



LEBANON CITY COUNCIL AGENDA

November 13, 2019 (6:00 p.m.)

Santiam Travel Station
750 3rd Street, Lebanon, Oregon

Mayor Paul Aziz

Council President Jason Bolen
Councilor Wayne Rieskamp

Councilor Robert Furlow
Councilor Karin Stauder

Councilor Rebecca Grizzle
Councilor Michelle Steinhebel

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

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 – November 13, 2019
APPOINTMENTS:	Planning Commission – Josh Port
BOARD MINUTES:	Library Advisory Committee – May 14, 2019 Planning Commission – September 18, 2019 Senior & Disabled Services Advisory Committee – July 24, 2019
COUNCIL MINUTES:	September 25 Work Session & October 9, 2019 Regular Session Minutes
INTERNAL POLICY:	City of Lebanon Public Records Policy

PROCLAMATION / PRESENTATION / RECOGNITION

- Traffic Safety Month Proclamation, read by Council President Bolen

PUBLIC COMMENTS *Citizens may address the Council by filling out a testimony/comment card prior to speaking and hand it to the City Clerk. 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 – Regulations Regarding Food Pods**
Presented by: Kelly Hart, Community Development Director
Approval/Denial by *ORDINANCE BILL NO. 2019-13, ORDINANCE NO. 2936*

REGULAR SESSION:

- 2) **Expand Pioneer School/Reeves Parkway School Speed Zone**
Presented by: Ron Whitlatch, Interim City Manager/Engineering Director
Approval/Denial by RESOLUTION NO. 2019-29
- 3) **Amending Lebanon Municipal Code Chapter 2.24 Regarding Planning Commission Quorum Rules**
Presented by: Kelly Hart, Community Development Director
Approval/Denial by ORDINANCE BILL NO. 2019-12, ORDINANCE NO. 2935
- 4) **Amending Lebanon Municipal Code Chapter 2.20.050 Regarding Library Committee Membership**
Presented by: Kim Scheafer, MMC, City Recorder
Approval/Denial by ORDINANCE BILL NO. 2019-14, ORDINANCE NO. 2937
- 5) **Presentation on Economic Development Catalyst Position**
Presented by: Alysia Rodgers, Economic Development Catalyst
DISCUSSION
- 6) **Mid Valley Partnership IGA**
Presented by: Kelly Hart, Community Development Director
Approval/Denial by RESOLUTION 2019-30
- 7) **City Manager's Report**
Presented by: Ron Whitlatch, Interim City Manager/Engineering Director
DISCUSSION

ITEMS FROM COUNCIL

PUBLIC/PRESS COMMENTS *An opportunity for citizens and the press to comment on items of city business.*

NEXT SCHEDULED COUNCIL MEETING(S)

- December 11, 2019 (6 p.m.) Regular Session

ADJOURNMENT

City Council meetings are recorded and available on the City's YouTube page at <https://www.youtube.com/user/CityofLebanonOR/videos> The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Clerk at 541.258.4905.

Consent Calendar

Appointments



MEMORANDUM

City Clerk's Office

To: Mayor Aziz and City Council
From: Kim Scheafer, City Clerk
Date: November 4, 2019
Subject: Planning Commission Appointment

I. CURRENT REPORT

Mayor Aziz is pleased to appoint Josh Port to the Planning Commission effective immediately. He will be filling in the remaining term of a vacant position that expires on June 30, 2020.

II. RECOMMENDATION

Confirm the Mayoral appointment through the November 13, 2019 Consent Calendar.

Board & Committee
Meeting Minutes



**Minutes
Lebanon Public Library
Advisory Group Meeting
May 14, 2019**

The meeting was called to order at 4:35 by Virginia Cloyd

Present: Virginia Cloyd, Denice Lee, JonLee Joseph, Jim Ruef, Kendra Antila

Minutes of the January 2019 meeting were approved as presented.

Library Director's Report:

Monthly statistics for April were discussed. Financials for October through April were analyzed. The majority of spending from the Trust is from money donated specifically for that purpose from the Friends, grants, lost/paid items and gifts.

The group was updated on the children's meeting room. City Council approved funding and documents have been signed off on. FFA will deliver complete construction documents/blueprints in late June/early July.

The budget request to the Linn County Commissioners to fund annual technical support costs for the shared catalog used by the Linn Library Consortium was denied.

Kendra apprised the group of the Ballew dividends deposited in the Trust this year. The option of using Trust monies in a matching grant for capital projects (construction of children's meeting room) were discussed and endorsed by the group.

Kendra will check with the City Clerk regarding group member terms of service and guidelines for attendance before the August meeting.

Friends of the Library Report:

The next book sale will be May 25th. The acting Treasurer for the Friends, Virginia Cloyd, shared a detailed accounting of the Friends income/expenditures. The need for more members was also discussed.

New Business: There will not be a July meeting

Unfinished Business: Regarding changing the meeting schedule to quarterly instead of bi-monthly, it was agreed that the coming fiscal year will continue with bi-monthly meetings. The option to switch to quarterly meetings will be discussed again at a later date.

Public Comments: None

Announcements: None

The meeting was adjourned at 5:39. The next meeting will be August 13th @ 4:30.



City of Lebanon
Planning Commission
Meeting Minutes
September 18, 2019

Members Present: Chairman Jeremy Salvage, Vice-Chair Don Robertson, Commissioners John Brown, and Todd Prenoveau.

Staff Present: Community Development Director Kelly Hart; Engineering Services Director Ron Whitlatch; Tre' Kennedy, City Attorney.

1. CALL TO ORDER/ FLAG SALUTE

Chairman Salvage called the meeting of the Lebanon Planning Commission to order at 6:00 pm in the Santiam Travel Station Board Room at 750 3rd Street and led the assembly in the flag salute.

2. ROLL CALL

Roll call was taken.

3. APPROVAL OF MEETING MINUTES

August 21, 2019 minutes were approved as submitted.

4. CITIZEN COMMENTS - None

5. PUBLIC HEARINGS

A. Planning File 19-05-35 – Remanded Review of Administrative Review Application

Chairman Salvage opened the hearing. City Attorney Kennedy reviewed the hearings procedures and asked the Commission if there was any ex parte communication, conflict of interest or bias regarding the application. All Commissioners indicated there was no ex parte communications, conflicts or bias.

Director Hart presented staff's report regarding the revised site plan proposed. The subject property is located at the terminus of 12th and Leonard Streets, just south of Kees St. It is zoned Residential Mixed Density, which allows for apartments to be permitted subject to Administrative Review, with the requirement for all projects with more than 19 units to be reviewed by the Planning Commission. The current project proposal is for 36-units. The surrounding properties are largely residential in nature. To the north, east, and south properties are located in the RM zone, and

consist of a single-family subdivision, as well as one large property with a single-family home. To the west is a property in the industrial zone and is used for equipment storage. The application that was originally considered by the Planning Commission and the one presented tonight are largely similar, the overall project scope consists of a 36-unit apartment complex, with two three-story buildings, a parking lot, and open space.

Director Hart proceeded to provide a timeline of events for the application. The application was originally reviewed by the Planning Commission in June 2019. At the hearing, there was quite a bit of opposition posed by the neighborhood, but the project was ultimately approved by the Planning Commission in a 4-0 vote. In July, an appeal of the Planning Commission decision was filed, with the stated issues revolving around traffic concerns on Leonard and Kees Streets. The appeal was originally scheduled to be considered before the City Council at the August 14th meeting. However, at that meeting, prior to hearing the item, the applicant requested that the item be remanded back to the Planning Commission to consider a revised site plan that would address the concerns of the residents. This revised concept is the purpose for the new Planning Commission hearing.

Director Hart presented the original site plan for comparison purposes. The key distinctions to note included: The buildings are oriented to the north of the property, which would be adjacent to the residential properties; the parking lot would be located to the south of the property; and finally, full access for through traffic is provided between 12th Street and Leonard Lane, which would allow the residents of the apartment complex to use Leonard Lane and subsequently Kees Street to enter and exit from the complex.

Director Hart then presented the revised plan to be considered by the Planning Commission. The key differences in the plan include swapping the locations of the buildings and parking lot, where the buildings are now located to the south of the property, away from the single-family residences. The balconies are also oriented to the south.

For access, through access would still be provided via both Leonard and 12th streets. However, access via Leonard would be restricted to emergency vehicle access only. A locked gate with a Knox Box would be provided to allow EVA access, but would not open for residential traffic. An emergency vehicle turnaround area has also been provided within the site to allow the fire department to have two means of egress from the property, either via Leonard Street, or utilizing the turnaround and exiting via 12th street.

With these changes, it largely addresses the concerns voiced by the residents at the Planning Commission meeting regarding privacy, and traffic on Leonard and Kees.

Finally, with the modifications, the project still meets the minimum development standards for an apartment complex per the Lebanon Development Code.

Director Hart concluded staff's presentation with the recommended action to consider the public testimony and determine whether to approve the project, approve with modification, or deny the project.

Chairman Salvage opened the conversation up for Commission questions to staff. Seeing none, Chairman Salvage invited the applicant to speak.

Matthew Johnson from Studio 3 Architects, representing the property owner indicated after the initial presentation, the owner and design team decided it would be in the best interest of the development and the community to flip the project, and flow of traffic. The buildings were moved as far south as possible without interfering with the wetlands to create as much separation as possible between the existing single-family neighborhood and the apartment buildings. Mr. Johnson indicated that he feels they have done everything possible to address the neighborhood concerns.

Mr. Johnson also indicated that the required Traffic Impact Analysis is already underway, and they had hired DKS Engineering to conduct the study.

Chairman Salvage asked the applicant whether the buildings would be sprinklered.

Mr. Johnson indicated in the affirmative, that the building would be sprinklered as required by Oregon Structural Code.

Seeing no additional questions from the Commission, Chairman Salvage opened the hearing to those in favor of the project. There were no comments received.

Chairman Salvage opened the hearing to those opposed to the project. There were no comments received.

Seeing no additional comments, Chairman Salvage closed the hearing to the public, and asked the Commission whether they felt the project met the criteria. All answered in the affirmative.

Chairman Salvage further stated that he was pleased that the applicant listened to the concerns of the residents and that it resulted in a better project than originally proposed. Commissioner Prenoveau agreed to that statement.

With no additional comments from the Commission, Chairman Salvage entertained a motion.

Commissioner Prenoveau motioned to approve the remanded Administrative Review application with the findings and criteria and conditions identified in the draft Order.

Commissioner Brown seconded the motion.

The motion passed 4-0.

B. Planning File 19-06-41 – Annexation, Comprehensive Plan Map Amendment, Zoning Designation, and Administrative Review

Chairman Salvage waived the reading of the hearing procedures as this item was a request for a continuance.

Chairman Salvage indicated this was for the application before the Commission in the August meeting, and the applicant has submitted a formal request to postpone

the hearing to the October 16, 2019 meeting. And if there was no discussion, would welcome a motion.

Commissioner Robertson asked whether the continuance would create issues with the 120-day rule.

Director Hart indicated that the application included a proposal to amend the Comprehensive Plan Map, which meant the review was not subject to the 120-day rule. City Attorney Kennedy concurred with the statement.

Commissioner Prenoveau motioned to continue the public hearing to the October 16, 2019 Planning Commission to provide the applicant time to appropriately respond to the points of opposition.

Commissioner Brown seconded the motion.

The motion passed 4-0.

6. WORK SESSION - None

7. COMMISSION BUSINESS & COMMENTS

Commissioner Robertson requested a summary for the City's request for the Linn County Board of Commissioners to postpone a hearing on a proposed County ordinance.

Director Hart provided a summary, indicating staff requested the continuance to allow sufficient time to review the proposed changes, as the ordinance included code amendments that would impact land within the urban growth boundary. With the staff changes of recent date, the public notice from the County did not get to the correct staff in time to review the proposed language changes, which was the purpose for the requested continuance.

City Engineer/Interim City Manager Whitlatch provided further comment indicating that the purpose for the review was to ensure none of the county changes would create a demand and financial burden on the City's infrastructure or utility services.

The County determined to leave the written record open for a period of two weeks to allow the City time to respond if it was determined necessary after review of the proposed ordinance.

Chairman Salvage asked about the City Council determination on the westside interceptor, and the potential timeframe.

City Engineer/Interim City Manager Whitlatch provided an update of Council's action at the September 2019 meeting, which opened up the city for development again, save for a small portion at the south end of the City that currently has no sewer main line. He also provided an update on the funding efforts for the westside interceptor, and the anticipated construction time period of three years, once construction was initiated.

Chairman Salvages asked whether there were any items on the next meeting agenda.

Director Hart indicated there were currently three potential items on the agenda, including the item postponed this evening, a potential conditional use permit, and the food truck pod ordinance.

Director Hart indicated that the City is currently advertising for two open positions on the Planning Commission for residents within the UGB. The application period closes on September 27, 2019. Requested if the Commissioners knew of any interested parties for persons within the UGB to have them submit an application for review.

8. ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:35 pm.

[Meeting minutes prepared by Kelly Hart, Community Development Director]



Senior Center and LINX Transit
80 Tangent Street
Lebanon OR 97355
(541) 258-4919 ~ fax (541) 258-4956
www.ci.lebanon.or.us

ADVISORY BOARD MEETING

July 24th, 2019

MINUTES

Members Present: Joan Voss, Marlene Flyer, Sherry Liest, Kyle Randleman, Hank Chambers, Bonnie Stalker and Kindra Oliver

Absent: Mac McNulty

WELCOME:

We opened the meeting at 10:00 a.m.

The group welcomed our newest member, Kyle Randleman.

MINUTES:

Marlene moved, Sherry seconded to approve the minutes from the January 16th, 2019 Advisory Board meeting. Motion passed unanimously.

REPORTS:

Meal Site:

- Tori continues looking for volunteers to help drive for delivering Meals-on-Wheels.
- She is also looking for some volunteers to help in the kitchen.

Senior Center:

- The refrigerator went out in the kitchen, so we're looking to replace the one for the staff/food prep room and then move that one down to the kitchen.
- Our office renovations are nearing completion and things are looking great! We now have sit-to-stand desks, new cheery paint on the office walls and doing some more organizing.
- We will have the Crazy Weasels band here playing for us at Americana on the Lawn, on Friday, August 23rd, from 4:00-5:00pm. We'll be serving root beer floats.
- We are currently signing up senior performers for our Silver Follies Talent Show, being held on September 13th! This is always fun!
- We're looking into doing some evening programming and presentations this fall. Possible topics include Medicare, emergency preparedness, and more!
- September is Senior Center month, the KEY TO AGING WELL! We're working on doing a Resource Symposium, with a few great speakers and bringing in vendors that provide services and support to seniors.
- A complete list of current Senior Center events, classes, workshops and activities are posted on the City's website and Facebook page.

LINX Transit:

- Our newest bus that arrived a couple of months ago is ready to go and will be in revenue service next week.
- Our other replacement vehicle will arrive in the next couple of weeks and we'll get the radio, camera equipment and graphics installed in order to get it in service.
- We're in the process of wrapping all of our buses with the new LINX logo.
- The STIF (State Transportation Improvement Funds) are in our current budget and Linn County should have agreements finalized by September 2019. Payments will be made retroactively. One of our other grants for our Loop pilot project ended on June 30th, 2019, so STIF funds will provide resources for that service, as well as additional funds for additional FTE and operations for our expanded service.
- Expanded service includes running longer hours, expanding our service area outside the city limits, LOOP service and adding Saturday service.
- We hired a full time driver in July, in order to start training and implement some of the new service.
- We will be conducting more interviews for the Dispatcher/Scheduler position next week.
- We will roll out a schedule for implementation of the new service in the next couple of weeks. We're currently working on what the extended boundary will look like.

CONTINUING BUSINESS:

- We have the HVAC vendors working on the air conditioning for the lower part of the building now. They should be finished in the next few weeks.
- We will be working on signs for the front door, requiring shoes and shirts to enter the building.

NEW BUSINESS:

- The board talked about looking into doing a survey. While we have lots of great ideas, receive suggestions and feedback and add as much as we can to the schedule of classes and activities, we don't have an updated detailed business plan for the Senior Center so wanted to start a dialogue. We have a Transit Development Plan that outlines short and long-term goals for Transit and with the new STIF funding we're able to act on some of the highest priority expansions the community wanted to see. The group thought it might be a good idea to do a survey for to find out what the community would like to see happening at the Senior Center.

ADJOURNMENT:

Council Minutes

LEBANON CITY COUNCIL
City Administrator Recruitment Process – Work Session Minutes
September 25, 2019

Council Present: Mayor Paul Aziz and Councilors Robert Furlow, Rebecca Grizzle, Karin Stauder and Michelle Steinhebel. Councilors Jason Bolen and Wayne Rieskamp were absent.

Staff Present: City Attorney Tré Kennedy; City Clerk Kim Scheafer; Acting City Manager/Engineering Services Director Ron Whitlatch; IT Director Brent Hurst; Finance Director Matt Apken; Maintenance Services Director Jason Williams; Community Development Director Kelly Hart; Police Chief Frank Stevenson; Administrative Assistant Donna Trippett; and Communications, Event & Project Coordinator Leigh Matthews Bock.

Mayor Aziz called the work session to order at 12:00 p.m.

Acting City Manager/Engineering Services Director Whitlatch showed a PowerPoint presentation [available in Archives] that reviewed the past city manager recruitment and three possible options for the current recruitment.

Option 1 – Complete the Process with City Staff – The new HR Director seems well-versed in recruitment. In response to Councilor Grizzle’s question, Whitlatch stated that he is not sure if she has done anything at this level.

Option 2 – Hire the Prothman Company to Complete the Process – Prothman’s quote is \$18,500 but there are add-ons so he believes that it will be at least \$30,000-\$35,000; the contract can be tailored to what the City needs. Contract Code allows direct negotiation up to \$75,000 within budgetary appropriation; a budget amendment would be needed.

Mayor Aziz clarified for Councilor Grizzle that Prothman’s contract included a two-year guarantee (a year more than the other firms) so there was no additional cost to finding another city manager after ending Dana Hlavac’s contract.

Option 3 – Develop a Request for Proposals and Select a Recruiting Firm

Mayor Aziz commented that he was pleased with Prothman on the first City Manager recruitment and felt that they did a good job with the Fire Chief recruitment. Councilor Grizzle expressed concern about making this the new HR Director’s first task, regardless of her level of experience. She would also not yet know the staff and culture. Councilor Steinhebel agreed and added that she does not like the idea of doing the recruitment internally because of staff’s workload and because it would stretch the process’ timeline. Council consensus was to use Prothman and have staff decide how to tailor the contract. Mayor Aziz thought that the City could coordinate the meet-and-greet portion.

Mayor Aziz and Councilor Grizzle expressed concern about the employment contract. They felt that it would be a good idea to look at other contracts and to have it reviewed by the League of Oregon Cities and City Attorney Kennedy. It was agreed that the contract portion should be done in-house. Whitlatch stated that a recent salary survey was done in May 2018 so it may not be necessary for Prothman to do another one.

Whitlatch stated that staff agrees with Mayor Aziz's suggestion that advertising start in January or February, due to the holidays, but much of the work could be done before the job posting. Councilor Stauder stated that she respects staff's opinion since it would affect them the most and because of their workload.

Mayor Aziz suggested that LGPI review the job description. Whitlatch asked for suggestions on any changes. Councilor Stauder stated that she would also like the Directors to provide input because some things they were tasked with may have been the responsibility of the city manager. Maintenance Services Director Williams stated that he does not want the job description wording to limit other qualified executives. Whitlatch suggested that the committee, along with Prothman, review all applications.

It was also agreed that a committee (consisting of Mayor Aziz, Councilors Stauder and Steinhebel and some staff) be formed to bring a recommendation to Council. They will negotiate Prothman's contract scope and price and review all city manager applications received.

Responding to Councilor Steinhebel's question, Whitlatch stated that he believes four or five Oregon cities are looking for a new city manager, according to the League of Oregon Cities website.

Whitlatch stated that a formal decision to use Prothman will be made by Council at the October Council meeting.

ADJOURNMENT

Mayor Aziz adjourned the work session at 12:40 p.m.

[Minutes prepared by Donna Trippett]

Minutes Approved by the Lebanon City Council on
this 9th day of October 2019

Paul R. Aziz, Mayor
Jason Bolen, Council President

ATTESTED:

Kim Scheafer, MMC, City Clerk

**LEBANON CITY COUNCIL
MINUTES – DRAFT
October 9, 2019**

Council Present Mayor Paul Aziz, Councilors Jason Bolen, Robert Furlow, Rebecca Grizzle, Karin Stauder and Michelle Steinhebel

Staff Present City Attorney Tré Kennedy, Interim City Manager Ron Whitlatch, City Clerk Kim Scheafer, Police Chief Frank Stevenson, Finance Director Matt Apken, Human Resources Director Angela Solesbee and Community Development Director Kelly Hart

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 Councilor Rieskamp absent.

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

AGENDA	Lebanon City Council Agenda – October 9, 2019
APPOINTMENTS	Library Advisory Committee – Michelle Nelson and Jane Turner
BOARD MINUTES	Arts Commission – August 12, 2019
	Planning Commission – August 21, 2019
	Trees & Trails Advisory Committee – June 19, 2019
COUNCIL MINUTES	September 11, 2019 Regular Session
RIGHT-OF-WAY DEDICATION	Schuman (Corner of River Drive/Mountain River Drive)

PROCLAMATION / PRESENTATION / RECOGNITION

Proclamation Mayor Aziz read the proclamations and declared November 1 to be Extra Mile Day and October 17 to be Founders Day.

Introduction Interim City Manager Whitlatch introduced new Human Resources Director Angela Solesbee.

Presentation Annual Risk Report, by Barker-Uerlings Insurance

Steve Uerlings reviewed the City's 2019 annual risk report [available in Archives]. This year's substantial increase in property values was primarily due to new Public Works facilities. The next CIS physical property appraisal will be done in about three years. There was a slight increase in mobile equipment (Public Works and Parks) coverage. The City has an excess crime policy that provides a total limit of \$300,000 for crime loss, such as dishonesty, wire transfer, or computer fraud. The tort cap is currently a little over \$2 million but there is a \$5 million limit because some federal cases can go over that cap. The \$25,000 deductible is shared with auto liability and is for total claims in a policy period. The deductible for comprehensive and collision physical damage is \$500. Cyber coverage (breach, hacking, extortion and third-party liability) was increased to \$1 million last year. The City also has an underground pollution tank policy.

Public official bonds for the finance director and city manager have a broader coverage and is different than crime coverage because it covers not only theft but faithful performance of duties. The city manager public official bond

was canceled as of 8/29/2019; one is not needed for the interim city manager. A volunteer accident policy was put in place to cover volunteers, as it was previously skewing workers compensation losses.

Of the \$80,000 tort liability loss in 2015-16, about \$35,000 is in reserve for future payments of a reopened claim. For 2016-17, \$144,000 is in reserves for a police claim. For 2018-19, about \$15,000 is in reserves. All of the approximately \$30,000 in losses for 2019-20 is in reserves on pending claims. The Police Department shows highest tort liability claims because of one claim. For auto liability, the one major loss in the last five years was a 2014-15 claim for total loss of a police car. Public Works and Police have had the bulk of auto liability claims. Over the last five years, the average was 9 claims per year with incurred claims costs of \$92,301 and an average cost per claim of \$10,489.

In 2014-15, the workers compensation experience mod was 1.33 (losses were 33% more than standard cities of our size in Oregon). The 2018-19 experience mod of 0.87 is well below average and makes a significant difference in the premium (\$145,358 compared to \$76,389). Of the \$48,889 of incurred losses in 2018-19, only \$13,000 has been paid out so there is still some reserve. The claims frequency rate has also dropped significantly from 0.19 (2014-15) to 0.08 (2018-19). Public Works (Sewer) incurs 33.18% and the Senior Center incurs 31.15% of workers compensation claims.

In response to Councilor Stauder's question, Mr. Uerlings indicated that the Lebanon is trending much better than other cities of our size. Moving to SAIF saved the City \$100,000 in premiums. SAIF is also able to provide more individualized services to help with return-to-work issues. The City should be receiving a significant dividend (24%) of what was paid last year.

PUBLIC COMMENTS

Cassie Cruze, Lebanon Downtown Association Main Street Manager, distributed a flyer and shared that Lebanon won four awards at the Oregon Main Street Conference – Business of the Year (Conversion Brewing), Board Member of the Year (former President Dala Johnson), Best Partnership (City of Lebanon), and Best Design Education Activity (Transom Window Exposure & Revitalization Kickstart).

Joe Knight, 1173 W. Sherman Street, expressed his dissatisfaction with the customer service he received (inconsistent and inadequate information) when trying to get a permit to build a structure for his RV.

Whitlatch stated that he and Community Development Director Hart spoke about this. He believes that the customer service in this case went above and beyond as staff looked for ways to help Mr. Knight get this project done. This issue boils down to meeting building and development code requirements.

Councilor Bolen empathized but commented that the burden does not lie on the Planning Department to design the project to meet building codes; that is the builder's responsibility. Mayor Aziz shared that a surveyor and contractor were needed for a project he did because it is not an easy process for the average person.

Bryan Davis, 760 E. Elmore Street, spoke about crime in the area and asked about resources other than Neighborhood Watch. He asked Council to push community involvement to help solve this problem. **[audio recording failed during Mr. Davis' comments]**

Councilor Stauder stated that Neighborhood Watch is very effective. In response to Councilor Stauder's question, Mr. Davis stated that he does not know of any programs in other communities that could be beneficial. Councilor

Bolen shared that starting a Neighborhood Watch group in his neighborhood really made a difference. Little things can also help, such as turning porch lights on, having exterior lights up, being observant and vigilant, calling the police department when seeing suspicious activity, and getting the neighborhood active. Other than Neighborhood Watch and pro-active policing, he does not have any suggestions. The City does not have the resources to put on more patrol.

Police Chief Stevenson invited Mr. Davis to come in and speak with him or Community Policing Officer Dala Johnson about other crime prevention options. He agreed that Neighborhood Watch is a very valuable tool and lets suspicious people know they are being watched. Because of limited resources, they rely heavily on the community to tell them areas of concern. Mr. Davis asked the Council to heavily promote the Neighborhood Watch program. [Comments about the Risk Report were unintelligible].

Cindy Pettner, 355 12th Street, stated that the public does not need to know why former City Manager Marks left but they are entitled to know why a severance package was given since she understood that he would only receive one if he was terminated. She asked who reviewed the contract and she stressed honesty, transparency and accountability in all Council activity. She was told the reason for his departure was not due to any type of criminal activity so was confused by the August 29 executive session title.

City Attorney Kennedy stated that the severance package was part of Marks' contract. Recruitment firms say that this is the standard to attract quality candidates, especially for positions like a city manager or school superintendent. Marks was asked to resign, which according to the contract, was an effective termination that entitled him to the severance package. Mayor Aziz added that part of the severance package included vacation time; this would have been given regardless of the reason. Kennedy added that to hold executive sessions the ORS requires specific language and many things fall within that language.

Ms. Pettner asked whether the Council is doing their job. The public should have been given specific dollar amounts for what was estimated, what was paid, reasons for being overbudget, and who gave approval for the welcome monument and the water treatment plant projects. She said that it was not covered in the minutes. Ms. Pettner also asked why the City would contribute \$117,000 to the Samaritan Health Services Alcohol Treatment Center when there are so many other needs, such as for heating rooms for the homeless.

Regarding the City's contribution, Mayor Aziz explained that the funds were from urban renewal dollars that can only be used to develop that section of town. Councilor Bolen added that funds used for the monument were restricted and could only be used for certain items. Regarding the water treatment plant costs, Whitlatch indicated that the project did not go over budget. Contingencies are built into all projects but Municipal Code states that staff must request Council approval if a change order is over \$100,000. It is on record that those were brought to Council. Mayor Aziz requested that dollar amounts be included in Action Minutes. City Clerk Scheafer informed Ms. Pettner that Council meetings can also be viewed on YouTube.

Councilor Bolen and Whitlatch both stated that staff is always happy to meet with citizens who have questions. Whitlatch invited Ms. Pettner to make an appointment; he wishes more people would speak with staff so the right information is put out. Mayor Aziz thanked Ms. Pettner for bringing her questions to the Council meeting instead of going to social media as some people do. Councilor Grizzle added that the budget meeting is held in May and the committee would love for more citizens to be engaged.

REGULAR SESSION

1) Award "A" Street Sanitary Sewer Contract

Whitlatch requested Council approval to award the "A" Street Sanitary Sewer Project contract to Pacific Excavation, Inc. for \$253,125.00.

Councilor Furlow moved, Councilor Bolen seconded, to APPROVE A CONTRACT WITH PACIFIC EXCAVATION, INC. OF SPRINGFIELD, OREGON IN THE AMOUNT OF \$253,125.00. The motion passed unanimously.

2) Storm Drainage Master Plan Contract

Whitlatch briefly provided background and presented staff's request to move forward with a \$296,535.00 agreement with David Evans and Associates, Inc. to provide consulting services for the new Storm Drainage Master Plan and for the proposed funding package:

- Storm Drainage Utility – \$145,000
- Storm Drainage SDCs (25%) – \$75,000
- NW URD – \$46,000 (future budget amendment needed)
- North Gateway URD – \$11,000 (future budget amendment needed)
- Cheadle Lake URD – \$22,000 (future budget amendment needed)

The intent was to fund this with over 50% SDCs, but he and Finance Director Apken learned that SDCs (other than what the growth allocation is for) cannot be used on a master plan. Funds are in the URD but are not allocated to be spent so a future budget amendment may be needed. Since this will likely be a year-long project, funds could instead be budgeted for in the upcoming year.

In response to Councilor Grizzle's question, Whitlatch stated that he believes the City only received one response because companies are busy. Staff could have looked out of state, but it makes more sense to use a company that is located closer.

Whitlatch explained for Councilor Stauder that the company will evaluate the entire system, look for deficiency areas (with staff), look at existing non-developed areas, and determine needed projects. The current plan is out of date (1989). The City is also under intergovernmental agreement with Albany to review areas that drain to the canal and to come up with alternatives.

Councilor Furlow moved, Councilor Bolen seconded, to APPROVE A CONTRACT WITH DAVID EVANS AND ASSOCIATES, INC. TO PROVIDE CONSULTING SERVICES TO THE CITY OF LEBANON FOR THE NEW STORM DRAINAGE MASTER PLAN ALONG WITH THE PROPOSED FUNDING PACKAGE (AS OUTLINED IN THE STAFF REPORT) FOR THE PROJECT IN THE AMOUNT OF \$296,535.00. THIS INCLUDES A \$10,000 CONTINGENCY. The motion passed unanimously.

3) Authorization of Wire and ACH Transactions

Apken presented a request to set up wire and ACH transactions through KeyBank online banking since more vendors are requesting payment via these methods. This will be more secure and save staff time and postage costs. The agreement with KeyBank gives permission for setup and has proper approval controls in place.

He confirmed for Councilor Bolen that this is the industry standard. He also confirmed for Councilor Steinhebel that KeyBank is the City's primary bank.

Councilor Bolen moved, Councilor Steinhebel seconded, to ALLOW STAFF TO SETUP ACH AND WIRES THROUGH KEYBANK ONLINE BANKING. The motion passed unanimously.

4) Update on Feline Nuisance

Hart showed a PowerPoint [available in Archives] on the City's existing feline regulations, how other cities deal with this issue, and possible options to address free roaming and feral cats. Lebanon has no restrictions on the number of cats permitted per property. The State and Linn County do not have regulations regarding cats or the licensing of cats. Linn County indicated that they currently have no facilities to house impounded cats and do not have staffing to deal with a large influx of cats. They also see significant issues with enforcement. Two of the 13 counties researched have voluntary cat licensing, but the focus is more on finding a lost pet. One county (Multnomah) requires cat licensing, but they believe that only about 50% of feline pets are actually licensed. They have a complaint process for nuisance and trespass, but it is the complainant's responsibility to identify and provide contact information for the cat/owner. Only one complaint resulted in a violation notice this year.

Available resources include a no-cost spay/neuter program for stray, feral and barn cats (Feral Cat Coalition of Oregon) and SafeHaven Humane Society's \$45 per cat spay/neuter. The Multnomah County Animal Services website provides suggestions to keep cats off properties.

Councilor Grizzle spoke about the difficulty of tracking cat owners. She feels that the City does not have the enforcement resources, but she likes Multnomah's idea of providing suggestions to citizens. In response to Councilor Steinhebel's question, Hart stated that she is not sure whether any of the suggestions are harmful to dogs. She does not believe all problems would be solved but providing resources will help. Councilor Steinhebel asked about a possible restriction on the number of cats. Hart stated that to enforce this, the cats would have to be identified and licensed. At Councilor Steinhebel's request, Hart stated that she would reach out to the gentleman who spoke about his cat problem.

There was Council consensus for staff to develop educational resources to help property owners keep cats off their property for posting on the City's website.

Mayor Aziz called for a ten-minute break.

5) Update on Homelessness Coalition

Stevenson reported that Community Service Officer Dave Albanese is still leading the Homelessness Coalition, but new leadership is needed, due to the unwillingness of some to speak with law enforcement. Lebanon's Police Department will continue to lend support but in a non-primary role. The Coalition works with Linn County Department of Health Services' Adult Services Team to develop groups that combine resources from different agencies.

He confirmed for Councilor Grizzle that the focus is still on parks where Albanese is making a positive impact.

There was a brief discussion about churches and organizations that were integrated in the process. Stevenson stated that the new leadership must hold more regular meetings to ensure that the groups are communicating and addressing needs. Councilor Grizzle agreed that, with assistance from the police, an appropriately passionate group is needed to take the lead. Stevenson agreed with Councilor Bolen that it must be made known that the group is ready for a transition because it has stalled.

Mayor Aziz expressed appreciation to all of the officers and agreed that the police should not be spearheading the group. Councilor Stauder added that it is hard for the police to be in the position of both helping and issuing citations.

6) Appointment of Acting City Manager and Compensation Increase

Mayor Aziz asked Council to formally appoint Ron Whitlatch as Acting City Manager effective August 15, 2019 and to retroactively increase his salary by \$1,000 per month.

Councilor Furlow moved, Councilor Grizzle seconded, to APPOINT RON WHITLATCH AS ACTING CITY MANAGER AND INCREASE HIS SALARY BY \$1,000.00 PER MONTH RETROACTIVE TO AUGUST 15, 2019.

Responding to Councilor Grizzle's question, Whitlatch confirmed that he is fine with this decision. He stated that staff is moving forward and things are going smoothly.

The motion passed unanimously.

7) Next Steps in City Manager Recruitment Process

Whitlatch summarized the September 25 Work Session and requested approval of Council's consensus:

- Contract with Prothman to complete the recruitment process (budget amendment will be required).
- Begin the recruitment process in January/February 2020. Staff will begin negotiating a contract with Prothman that will be tailored to suit Council/staff. According to Prothman's timeline, this would bring on a new city manager in May or June.
- Create a committee to develop Prothman's contract and to review city manager applications. Members will include Mayor Aziz, Councilor Stauder, Councilor Steinhebel, Acting City Manager/Engineering Services Director Whitlatch, Maintenance Services Director Williams, Police Chief Stevenson, City Clerk Scheafer and HR Director Solesbee.

In response to Whitlatch's question, Councilor Steinhebel stated that she would prefer that the Prothman contract come back for Council approval.

Councilor Bolen confirmed for Councilor Stauder that the Fire Department found Prothman to be equally as good as when the City last used them. He feels that Prothman has a good grasp of what people in the Northwest want. Whitlatch added that one of the biggest advantages to using Prothman is their contacts.

Councilor Grizzle moved, Councilor Bolen seconded, to APPROVE A CITY COUNCIL/STAFF COMMITTEE TO WORK WITH PROTHMAN TO DEVELOP A CONTRACT AND RECRUITMENT TIMEFRAME WHICH WILL BE BROUGHT BACK TO THE COUNCIL. THE RECRUITMENT PROCESS WOULD START IN JANUARY OR FEBRUARY. The motion passed unanimously.

8) City Manager's Report – Whitlatch provided updates:

- Staff is looking at a feasibility study with the Cities of Sweet Home and Albany for a regional biosolids facility. The State will provide \$25,000 and each community will contribute \$15,000.
- While Whitlatch is out next week, Stevenson will be in charge.

ITEMS FROM COUNCIL

- Whitlatch gave a Trees & Trails Committee update. The City will be applying for some trails grants next year. The committee is potentially looking at the Albany properties, and those along the old canal alignment and off of Olive Street. The Master Plan has been postponed until the City knows what can be done as far as funding. Downtown trees will be planted in November and will have lighting for Christmas. More bike racks from BLT will be installed. Other areas where racks are needed will be looked at. The

- committee will start meeting quarterly instead of monthly.
- Councilor Stauder will serve as the Library Advisory Committee liaison.
 - Mayor Aziz invited Council to attend the Founders Day Time Capsule event at 5:00 p.m. on October 17.
 - Councilor Bolen shared that the new Fire Chief, Joe Rodondi, will be here in mid-November.

PUBLIC/PRESS COMMENTS *There were none.*

NEXT SCHEDULED COUNCIL MEETING(S) November 13, 2019 – Regular Session (6:00 p.m.)

RECESS REGULAR SESSION Mayor Aziz recessed the meeting at 8:05 p.m.

EXECUTIVE SESSION *Per ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection.*

ADJOURNMENT Mayor Aziz adjourned the meeting at 8:35 p.m.

[Minutes prepared by Donna Trippett]

Minutes Approved by the Lebanon City Council on
this 13th day of November 2019.

Paul R. Aziz, Mayor
Jason Bolen, Council President

ATTESTED:

Kim Scheafer, MMC, City Clerk

Internal Policy



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MEMORANDUM

City Clerk's Office

To: Mayor Aziz and City Council
From: Kim Scheafer, MMC, City Clerk
Subject: Public Records Policy

Date: October 28, 2019

I. INTRODUCTION

The State of Oregon Archives Division has developed a Public Records Policy template for other governmental entities to use so that records are easily retrievable and accessible to the public.

II. CURRENT REPORT

The City of Lebanon is required to keep its public records managed and maintained in accordance with State statutes. The proposed policy will meet those requirements and ensure the City's public records are managed properly.

III. RECOMMENDATION

Adopt the City of Lebanon's Public Records Policy under the Consent Calendar.



City of Lebanon
Public Records Policy
November 2019

Policy: It is the policy of the City of Lebanon to manage and retain its public records in a manner that makes them easily retrievable and accessible to the public.

Special situations:

- A retained record may be subject to public disclosure upon request, even if the law does not require its retention. The statutes requiring public disclosure of records apply more broadly than the statutes requiring records to be retained.
 - The law does not require the City of Lebanon to create a public record that would not otherwise exist.
 - The City of Lebanon must retain only the official copy of a public record. Stocks of publications are not public records and may be preserved for convenience or destroyed.
 - Departmental Records Managers will annually assess records in their departments and complete record destruction forms.
 - Permanent city records should be stored in with the City Clerk.
 - City of Lebanon will migrate information to newer formats as older ones become defunct. Any record with a retention greater than 10 years should be saved into a standard format such as .pdf for text; .tiff or .jpeg 2000 for images; .mp3 for audio; and .mp4 for video.
-

General information:

The goal of this policy is to ensure that the City of Lebanon's public records are managed and maintained appropriately within the City of Lebanon by:

- Meeting the requirements of ORS 192.108;
- Establishing ordered and consistent processes for maintaining and managing all records at the City of Lebanon, regardless of form or media;
- Generally setting forth the applicable provisions of Oregon's public records law regarding the disclosure of City of Lebanon public records in response to public records requests; and

- Alerting employees to the complexities of this area of the law.

This policy addresses the following components:

1. Public records maintenance
2. Roles and responsibilities
3. Education and training
4. Access and ownership
5. Integrity
6. Retention generally
7. Storage and retrieval
8. Public records requests
9. Disposition and destruction

The City of Lebanon shall develop and implement internal processes and procedures that support compliance with this policy, deter abuse, and detect violations of this policy.

Definitions:

“Cloud computing” has the meaning as defined in the National Institute of Standards and Technology Special Publication 800-145 and generally refers to the delivery of computing as a service rather than a product, where shared resources, software, and information are provided to computers and other devices as a utility over a network.

“Custodian” refers to a public body mandated, directly or indirectly to create, maintain, care for or control a public record. “Custodian” does not include a public body that has possession of a public record as an agent of another public body that is the custodian, unless the public records is not otherwise available.

“Instant messages” or **“instant messaging”** refers to real-time text communications between or among computers or mobile devices over the Internet or functionally similar communications networks.

“Metadata” is data that provides information about other data. Metadata assists in resource discovery by allowing resources to be found by relevant criteria, identifying resources, bringing similar resources together, distinguishing dissimilar resources, and giving location information.

“Public record” has the meaning established in ORS 192.005, and in general means any information that is:

- (a) Prepared, owned, used, or retained by the City of Lebanon; AND
- (b) Relates to an activity, transaction, or function of the City of Lebanon; AND
- (c) Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements, or needs of the City of Lebanon.

The following applies to the definition of public record:

- A public record may exist in any format, including in paper form or in electronic form, including email.
- A copy of a record, preserved only for convenience of reference, is not a public record.
- A message on voicemail or on other telephone message storage and retrieval systems is not a public record.
- Public records do not include advertising material received by the City of Lebanon; general announcements issued by other agencies (such as ODOT or PERS newsletters); or other recorded materials that are fleeting in nature and do not involve an activity carried out by the City of Lebanon.
- Text messages and instant messages may constitute public records as discussed below.

“Routine communication” refers to generic messages that do not meet the definition of a public record and are not program specific. Examples include, but are not limited to: Notifications that an individual arrived at the person’s destination; the person was running late; or the person had vehicle problems.

“Social media” refers to web-based and mobile communication technologies that allow the creation and exchange of user-generated content such as comments or responsive postings. Examples of social media as of the time that this policy is adopted include, but are not limited to: Twitter, Flickr, blogging sites, Facebook, YouTube, and Instagram.

“Text messages”, “text messaging” or “texting” refers to messages exchanged between fixed-line or mobile telephones and fixed or portable devices over a network. Excluded from this definition are email communications, whether such messages are exchanged among or between official City of Lebanon email accounts or email accounts maintained by private entities.

“Unified communications” refers to the packaged services or user profiles available to agencies such as instant messaging, video conferencing, telephony, call management, and call control across multiple systems, etc.

Policy guidelines:

1. Public records maintenance: The City of Lebanon shall maintain and manage its public records in a manner that protects the integrity of the records within the City of Lebanon without regard to the technology or medium used to create or communicate the records, from

the time of creation of a public record to the time of final disposition of the public record as determined under the City Records Retention Schedule.

2. Roles and responsibilities: ORS 192.105 (2)(a) requires the City of Lebanon to designate an agency records officer to coordinate its records management program. The City of Lebanon's records officer will serve as the primary liaison with the state archivist and will receive training from the state archivist to perform the duties of the records officer position.

The City of Lebanon will ensure that its public records are managed in accordance with the City Records Retention Schedule and will assign designated staff positions with the following responsibilities:

a. **Records officer:** The City Clerk is the City of Lebanon's designated records officer and serves as the liaison with the state archivist.

b. **Oversight:** The City Clerk is responsible for general oversight of the City of Lebanon's records management program and for developing and maintaining internal operating procedures to address public records requests.

c. **City Records Retention Schedule:** The City Clerk shall ensure that employees are provided with information and receive training on records management and retention. The City of Lebanon will make this training accessible to all employees.

d. **Training:** The City Clerk and Departmental Records Managers are responsible for providing help and guidance to all City of Lebanon staff to aid them in managing City of Lebanon records and using the City Records Retention Schedule.

e. **Departmental Records Managers:** Departmental Records Managers are responsible for making sure Certificates of Destruction forms are completed and forwarded to the City Clerk for approval. Once approved, those records can be destroyed.

3. Education and training: The City of Lebanon requires that basic public records education be completed as a component of the City of Lebanon's new employee orientation training. The City of Lebanon will utilize appropriate means to provide public records training to its employees and Departmental Records Managers.

4. Access and ownership: Regardless of how the City of Lebanon's public records are stored, the City of Lebanon has custody and control over its public records. Through an on-going review of technological advances, the City of Lebanon will ensure that all its public records are maintained and accessible for as long as required by the City Records Retention Schedule or litigation holds. The City of Lebanon shall migrate public records to keep current with technology and to ensure continuing accessibility.

5. Integrity of records: The City of Lebanon will ensure that appropriate access and version controls are applied to all electronically stored records from record creation to final disposition.

The authenticity of each record may be demonstrated either by certified copy of paper records or by accompanying metadata for all electronic records.

6. Retention generally: The City of Lebanon will preserve, classify, and dispose of its public records in accordance with ORS Chapter 192 and OAR Chapter 166-300 without regard to the technology or medium used to create or communicate the record. The City of Lebanon will work with the Archives Division to establish retention practices to ensure compliance with ORS Chapter 192 and OAR Chapter 166-300.

a. **Cloud computing:** The City of Lebanon’s practices and procedures with respect to public records management in the Cloud will ensure compliance with City of Lebanon policies and procedures and OAR Chapter 166-300 and 166-017.

b. **Drafts:** Preliminary or incomplete working drafts are public records subject to disclosure, and they are judged by the same standards as a completed “internal advisory communications.” Please refer to page 13 of this policy.

c. **Electronic mail:**

Note: Even after email is deleted from an individual’s computer, it generally continues to exist on computer back-up tapes, which are also public records. A public body must make all non-exempt emails available for inspection and copying regardless of their storage location.

A. Official email accounts: In most circumstances, emails sent to or from a city employee’s official email account will meet the definition of a public record. It is City of Lebanon’s policy that virtually all email messages composed or sent using an employee’s official equipment and/or official email address be for primarily business purposes. Please refer to the City of Lebanon’s Communications & Electronic Systems Policy (Chapter 8 Employee Handbook).

When the City of Lebanon receives a public records request or valid subpoena, all city email accounts and systems used for City of Lebanon business are subject to search and production.

Note: Employees do not have any expectation of privacy with regard to city email accounts and systems.

B. Personal email accounts:

Note: To the extent that City of Lebanon employees use personal email addresses to communicate about City of Lebanon business (to the extent that public records are associated with such addresses), those emails will be subject to search and production. City of Lebanon employees are strongly encouraged to use only their city email accounts to communicate regarding City of Lebanon business.

If a private account must be used to conduct City of Lebanon business, the City of Lebanon requires that employees copy their city email accounts on all such outgoing communications and forward any received messages to their city email accounts if their city email account was not copied immediately or as soon as practicably possible.

C. Instant Messages: The City of Lebanon's policy regarding instant messages is the same as for text messages.

D. Social media: Any records placed on any social media platform by the City of Lebanon must be an accurate copy of an official record that is retained elsewhere by the City of Lebanon per its City Records Retention Schedule. The City's policy is to push information out and not allow comments. Records placed by others on any social media platform are assumed to not be owned by the City of Lebanon. Comments or re-posting of content placed on any social media platform by the City of Lebanon - when such comments or re-postings themselves appear on a social media platform - are assumed to not be prepared, owned, used, or retained by the City of Lebanon, and will not be retained.

Note: Should the City of Lebanon choose to copy into its own internal files any such comments or re-postings, such copy is a public record and will be retained by the City of Lebanon per its City Records Retention Schedule.

The City of Lebanon uses a vendor to archive its social media accounts. Anytime a password or username is changed on a City social media account, the IT Department and City Clerk should be notified so those pages can be relinked to the vendor for archiving.

E. Text messages:

Acceptable use: The City of Lebanon expects employees to make every effort to avoid sending text messages that include substantive discussions of City of Lebanon business that meet the definition of a public record.

Examples of acceptable use include, but are not limited to:

- Scheduling
- Requesting a call or email on a matter, without substantive discussion
- Requesting or offering logistical assistance ("Can you help me get these boxes to the courthouse?")
- Forwarding a person's contact information
- Explaining a person's current whereabouts, or inquiring about someone else's
- Describing or inquiring about facts or events that do not relate to City of Lebanon business

- Discussing facts or events that do relate to City of Lebanon businesses that have been or will be separately recorded
- Information that is part of or related to conducting City of Lebanon business only if that information has been documented elsewhere; or will be documented and retained as a separate public record such as by forwarding the relevant text message to an employee's official email account

Recording text messages as public records: While the City of Lebanon discourages employees from using texting for City of Lebanon business, there are time when it may be unavoidable. If an employee creates such a text message on a City of Lebanon or personal device, it must be documented and retained elsewhere as a separate and official copy of the public record.

Personal devices: The City of Lebanon discourages employees from using their personal electronic devices to transmit text messages related to City of Lebanon business, and warns employees that their personal device could be subject to search if used to text messages regarding City of Lebanon business or information that rises to the level of creating a public record.

F. Unified communications: The City of Lebanon will identify public records created by actively using unified communications features and will ensure that those records are appropriately managed in accordance with the City Records Retention Schedule

City of Lebanon will implement appropriate practices and procedures to accurately capture public records created by the use of active Unified Communications features.

G. Voice mail: Unless otherwise required, the City of Lebanon will not retain messages received on voice mail, unless the voicemail is specifically saved for the purpose of making a record. Any email transcription of a voice mail that is determined to be a public record will be retained in accordance with the City Records Retention Schedule and may be subject to public disclosure upon request.

7. Storage and retrieval:

a. **Paper records:** The City of Lebanon will maintain a filing system of the City of Lebanon's paper records based on the City Records Retention Schedule. The filing system will include the location of the records, retention periods, and procedures for retrieval to ensure accessibility of City of Lebanon records.

b. **Electronic records:** The City of Lebanon will maintain a filing system and naming conventions for all City of Lebanon records stored in electronic format based on the City Records Retention Schedule.

8. Public records requests:

Under ORS 192.314, every person has a right to inspect any non-exempt public record of a public body in Oregon. The City of Lebanon is a public body subject to the requirements of Oregon's public records law, ORS 192.311 to 192.338. The City of Lebanon has adopted a Master Fee Schedule that sets forth procedures and the fees that the City of Lebanon will charge for responding to a public records request. For purposes of responding to requests for City of Lebanon public records, the City of Lebanon will disclose its public records, or protect them from disclosure, in accordance with Oregon's public records law. The City of Lebanon will respond to all requests for public records as timely as possible, consistent with the proper exercise of judgment relating to the City of Lebanon's other duties.

Additional policies and procedures related to request for public records such as intake, processing, disclosure, and determinations related to fees and charges are the subject of a separate City of Lebanon Resolution regarding Public Records Requests.

The City of Lebanon has assigned primary responsibility for dealing with public records requests to the City Clerk who works with the City Attorney to process requests. All non-police and courts requests for public records are to be directed to the City Clerk. Requests regarding police and court records should be submitted to the Police Department.

The City Clerk will forward requests for public records to the appropriate department for drafting of a response. For public records requests that cross departmental lines, the City Clerk will coordinate a response.

The City of Lebanon may consult with the Oregon Attorney General's Office before responding to requests.

9. Disposition and destruction of public records:

Oregon's Public Records Law does not govern the retention and destruction of public records. OAR 166-030-0060 - "Public Records Disposition and Destruction" and the City Records Retention Schedule specify how long City of Lebanon records shall be retained before they are destroyed.

The City of Lebanon will dispose of and/or destroy public records in accordance with the requirements of the City Records Retention Schedule and OAR Chapter 166-300.

In accordance with ORS 357.855, the City of Lebanon will consult with the state archivist for advice and assistance in determining the disposition of any types of records not addressed in the City Records Retention Schedule and the reconciliation of any unforeseen issues regarding public records.

Note: Under ORS 162.305, it is a crime to knowingly destroy, conceal, remove, or falsely alter a public record. Tampering with a City of Lebanon record is a Class C felony. Tampering with

records other than City of Lebanon records is a Class A misdemeanor. The maximum prison term for a Class C felony is five years. For a Class A misdemeanor, it is one year.

Destruction of Records - Once a record (including electronic data) has met its retention period, a Certificate of Destruction needs to be completed and signed by a Department Manager/Director and forwarded to the City Clerk for review. Once approved the City Clerk will forward a signed copy back at which time the records may be destroyed.

10. Public records exemptions: The public records law is primarily a disclosure law, rather than a confidentiality law. The exemptions contained in it are limited in their nature and scope of application because the general policy of the law favors public access to government records.

The fact that particular information meets the tests for exemption from disclosure does not necessarily mean that the City of Lebanon is prohibited from disclosing the information. In most cases, the City of Lebanon has discretion to disclose information that otherwise qualifies for exemption from disclosure under the public records law, unless the information is protected by some other law. Please refer to the section on prohibited disclosures below.

11. Prohibited disclosures: There are a few instances in which the City of Lebanon is legally prohibited from disclosing information that is exempt from inspection under the public records law. They are:

A. **Personal safety exemption:** ORS 192.368(1) prohibits disclosure of an individual's home address, personal telephone number, or electronic mail address if the individual demonstrates to the satisfaction of the public body that the personal safety of the individual or the personal safety of a family member residing with the individual is in danger if that information remains available for public inspection.

B. **Employee photo ID badge and card exemption:** ORS 192.371 prohibits disclosure of a public employee identification badge or card without the employee's written consent if the badge or card contains a photograph of the employee and the badge or card was prepared solely for internal use by the public body. The City of Lebanon's badges do not meet this definition. This statute does prohibit disclosure of a duplicate of the photograph used on the badge or identification card.

C. **"Catch-all" exemption:** ORS 192.355(9) incorporates Oregon statutes outside of the public records law that prohibit the public release of certain types of information or records. An examination of these statutes is beyond the scope of this policy, but please refer to Attachment "A" of this policy.

D. **Federal law exemption:** ORS 192.355(8) incorporates federal laws that bar the release of certain types of information or records. An examination of these laws is beyond the scope of this policy, but please refer to Attachment "A" of this policy.

References: ORS Chapter 192
OAR 166-030-0060 - Public Records Disposition and Destruction
State of Oregon City Records Retention Schedule
The Oregon Attorney General's Public Records and Meetings Manual

Attachment: Summary of Public Records Law

ATTACHMENT "A"

The following is a general summary based upon materials found in the "Attorney General's Public Records and Meetings Manual" Copyright 2019. This attachment contains highlights of some of the different areas of public records law as it may affect the City of Lebanon. This is intended to be a general summary and to alert employees to some of the areas that can cause issues, and will be updated as legislation or court cases revise the public records law.

The conditional exemptions of ORS 192.345: Each of the exemptions listed in ORS 192.345 exempts specific types of records or information from disclosure "unless the public interest requires disclosure in the particular instance." This requires a balancing test on a case-by-case basis. The policy underlying the conditional exemptions is that disclosure decisions should be based on balancing those public interests that favor the disclosure of governmental records against those public interests that favor government confidentiality, with the presumption always being in favor of disclosure. The City of Lebanon will consult with the Oregon attorney general in such cases because the outright release of such information could subject the City of Lebanon to claims of liability for damages or claims for declaratory or injunctive relief.

Only the exemptions listed in ORS 192.345 that may apply to the City of Lebanon are listed here. The complete list is contained in the statute.

- 1. Public records pertaining to litigation:** Public records pertaining to court litigation to which the public body is a party are conditionally exempt under ORS 192.345(1). This is a very narrow exemption and does not apply once the litigation is concluded.
- 2. Trade secrets:** Trade secrets as defined in ORS 192.345(2) are conditionally exempt, but ORS 646.461 to 646.475, the Uniform Trade Secrets Act, more broadly defines what constitutes a trade secret and prohibits misappropriation of a trade secret. City of Lebanon staff should consult with the Oregon attorney general before releasing records that may contain a trade secret.
- 3. Criminal investigatory material:** Investigatory information compiled for criminal law purposes is conditionally exempted under ORS 192.345(3).
- 4. Tests and examination material:** ORS 192.345(4) conditionally exempts test questions, scoring keys, and other data used to administer a licensing examination, employment, academic, or other examination or testing procedure.
- 5. Civil rights investigation material:** ORS 192.345(8) conditionally exempts investigatory material relating to any complaint filed under ORS 659A.820 or ORS 659A.825 until such time as the complaint is resolved under ORS 659A.835, or until a final order is issued under ORS 659A.850.
- 6. Unfair labor practice investigations:** ORS 192.345(9) conditionally exempts investigatory information relating to any complaint or charge filed under ORS 243.676 and

663.180 relating to unfair labor practices and complaints of refusal to comply with any provision of a final and binding arbitration award. The complaint itself is not exempt from disclosure.

7. Personnel discipline actions: ORS 192.345(12) conditionally exempts a personnel discipline action, or materials or documents supporting that action, when the investigation is complete and a sanction is imposed. It does not protect records where no sanction is imposed, or when the employee resigns during the investigation or in lieu of a sanction being imposed.

8. Computer programs for the use of public bodies: ORS 192.345(15) conditionally exempts computer programs developed or purchased by or for a public body for its own use.

9. Unsafe workplace investigation materials: ORS 192.345(17) conditionally exempts investigatory information relating to any complaint or charge filed under ORS Chapter 654 until a final administrative determination is made, or if a citation is issued, until an employer receives notice of any citation. ORS 654 governs safety and health in the workplace.

10. Public safety plans: ORS 192.345(18) exempts specific operational plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment, prepared or used by a public body, if public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity.

11. Interference with property or services: ORS 192.345(22) exempts from disclosure information that would allow a person to gain unauthorized access to buildings or other property, public funds, information processing systems, or to identify areas of vulnerability that would permit unlawful disruption to or interference with public services or a public body's information processing systems.

12. Security measures: ORS 192.345(23) exempts from disclosure records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to be taken to protect an individual, buildings or other property, information processing, communication or telecommunication systems, including the information contained in the systems.

13. Financial transfer records: ORS 192.345(27) exempts information provided to, obtained by, or used by a public body to authorize, originate, receive, or authenticate a transfer of funds, including, but not limited to, a credit card number, payment card expiration date, password, financial institution account number, and financial institution routing number.

The exemptions of ORS 192.355: ORS 192.355 contains a list of public records that are generally exempt from disclosure under the public records law. This statute does not contain the condition “unless the public interest requires disclosure in the particular instance,” which applies to all exemptions in ORS 192.345. However some of the following exemptions do contain language of condition as noted. The City of Lebanon will consult with the Oregon attorney general in such cases because the outright release of such information could subject the City of Lebanon to claims of liability for damages or claims for declaratory or injunctive relief.

Only the exemptions listed in ORS 192.355 that may apply to the City of Lebanon are listed here. The complete list is contained in the statute.

1. Internal advisory communications: ORS 192.355(1) exempts communications within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final agency determination of policy or action. This exemption does not apply unless the public body shows in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure.

2. Personal privacy exemption: ORS 192.355(2) exempts information of a personal nature such as, but not limited to, that kept in a personal, medical, or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the public interest, by clear and convincing evidence, requires disclosure in the particular instance. The party seeking disclosure has the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy.

3. Public employee addresses, social security numbers, birth dates, and telephone numbers: ORS 192.355(3) exempts public body employee or volunteer addresses, social security numbers, dates of birth, and telephone numbers contained in personnel records maintained by the public body that is the employer or the recipient of volunteer services. It does not apply to situations where the requestor demonstrates by clear and convincing evidence that the public interest requires disclosure in a particular instance.

4. Confidential submissions: ORS 192.355(4) exempts information submitted to a public body in confidence, and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure.

5. Federal law exemption: ORS 192.355(8) exempts any public records or information the disclosure of which is prohibited by federal law or regulations.

6. Other Oregon statutes establishing specific exemptions: ORS 192.355(9) exempts public records or information the disclosure of which is prohibited or otherwise made confidential or privileged under Oregon law.

7. Transferred records: ORS 192.355(10) exempts public records or information described in this section, furnished by the public body originally compiling, preparing, or receiving them, to any other public officer or public body in connection with performance of the duties of the recipient, if the considerations originally giving rise to the confidential or exempt nature of the public records remain applicable.

8. Public utility customer information: ORS 192.355(28) exempts information about customers of a municipal electric utility or a people's utility district or the names, dates of birth, driver's license numbers, telephone numbers, electronic mail addresses or Social Security numbers of customers who receive water, sewer or storm drain services from a public body as defined in ORS 174.109

9. Security programs: ORS 192.355(33) exempts information about review or approval of programs relating to security of the generation, storage, or conveyance of electricity, gas, hazardous substances, petroleum products, sewage, or water; and programs relating to telecommunications systems and data transmission by whatever means provided.

Separation of exempt and non-exempt material: ORS 192.338 provides that if any public record contains material that is not exempt under ORS 192.345 and 192.355, as well as material that is exempt from disclosure, the public body shall separate the exempt and non-exempt material and make the non-exempt material available for examination.

Records more than 25 Years old: Generally the public records law does not exempt from disclosure records that are more than 25 years old. (ORS 192.495) Exceptions to this requirement are provided in ORS 192.398.

Presentation/Proclamation/
Recognition



“TRAFFIC SAFETY MONTH”

PROCLAMATION

WHEREAS, the City of Lebanon recognizes traffic safety as a vital concern for our community; and

WHEREAS, in Oregon, speeding is the number one contributor to death and injury in traffic crashes; and

WHEREAS, in an effort to reduce speeding, police officers are out on the roads with new technology that helps pinpoint cars that are going too fast and they’re ticketing drivers; and

WHEREAS, speed monitoring radar trailers are being used that alert drivers of their speed and promote compliance with the speed limit; and

WHEREAS, Lebanon Police will be conducting specialized patrols focusing attention on pedestrian crosswalk safety, drunk drivers, speeders and cell phone violators.

NOW, THEREFORE, I, Jason Bolen, Council President of the City of Lebanon, do hereby proclaim November as **“Traffic Safety Month”** and encourage all citizens to drive safely and follow posted speed limits.

Jason Bolen, Council President

City of Lebanon, Oregon

In Witness Whereof, I Hereunto Cause the Great Seal of the City of Lebanon to be affixed on this 13th Day of November 2019.

Kim Scheafer, MMC, City Clerk



Agenda Item 1



925 S. Main Street
Lebanon, Oregon 97355

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MEMORANDUM

Community Development

To: Mayor Aziz and City Council
From: Kelly Hart, Community Development Director
Subject: Proposed Ordinance to Regulate Food Pods

Date: November 4, 2019

I. INTRODUCTION

Recently, City staff has been approached by two potential operators of food truck pods, where a number of food trucks would congregate on a single property. Based on the increased interest, staff presented a discussion item regarding food pod regulations at the August 2019 City Council meeting. The presentation included a review of three levels of regulations to consider: no regulation; general regulations to ensure appropriate pathways, facilities and utilities area available; fully regulate to require seating areas, shelter from inclement weather, and full restroom facilities. Upon conclusion of the discussion, Council directed staff to draft an ordinance that would fall within the general regulation concept. The proposed ordinance was presented to the Planning Commission at the October 2019 meeting, and it was unanimously recommended for approval by Council with modifications.

II. CURRENT REPORT

The regulations proposed in the ordinance identify a minimum standard of operation to address public health and safety requirements. In addition, the regulations provide standards for if specific services are provided, such as seating areas, then certain facilities would also be provided, such as access to restroom facilities. Below is an overview of the specific regulations:

- Site Design.
 - There must be a designated walkway for pedestrians and path of travel for the maneuvering of food trucks throughout the site.
 - The food trucks shall not occupy pedestrian walkways, public rights-of-ways, or emergency vehicle access areas.
 - Food trucks within the Pod shall not be located in the required setbacks for the zone, but under no circumstance setback less than 5 feet from the property line.
 - Trucks shall be oriented so the order taking process and customer queuing area occurs on private property and does not block required drive aisles and paths of travel.
 - Trucks shall be separated a minimum of six feet.
- Site Amenities (if provided):
 - All food pods that provide seating for customers shall have restrooms available.

- Restrooms shall be available either on-site, or within a 0.025 mile walk from the Pod site, with a signed agreement from the business owner authorizing use of the restrooms for food pod customers.
 - All food trucks and customer amenities shall be serviced by a minimum five-foot wide hard surfaced, ADA compliant walkway.
 - Waste and recycling receptacles shall be provided for customers and business waste. Receptacles should be screened from view of the public rights-of-way.
 - Structures to provide shelter to customers may be permitted, subject to building and fire code standards.
- Individual food truck standards:
 - Shall be kept in good repair and maintained in a safe condition, and clean appearance.
 - Accessory items associated with the truck (i.e., tanks, barrels, generators, etc.), shall be screened from view of the public right-of-way.
 - Awnings shall have a seven-foot clearance between the ground and awning for safe pedestrian circulation.
- Utilities: Under the current regulations, the food trucks are not allowed to connect to utilities, except for electrical. The new regulations would allow for connection with utilities, or the maintain use of holding tanks for potable and wastewater. If holding tanks are utilized, they must be screened from the public rights-of-way.
- Parking: Food pods would require two parking spaces per food truck space in the pod.
- Lighting: Lighting shall be provided in areas occupied by customers during hours of darkness, and no direct light source shall be visible from the property line.

Single Food Truck Operations – Food Pods are defined as properties with the operation of more than one food truck at a time. As such, the single operating food trucks on a property would not be subject to the new regulations for Food Pods. The single food trucks would still be permitted under the Temporary Use Permit. Minor modifications are proposed to the existing rules for food trucks permitted under the Temporary Use Permit, including:

- Temporary Use Permit for food trucks not associated with a food pod would be valid for a period of one year. This is an increase in time from six months; and
- Operation of a food truck shall be from an improved site.

Planning Commission Comments – During the Planning Commission public hearing, the Commission discussed the Ordinance at length. At the conclusion of the discussion, the Commission voted to modify the proposed ordinance to expand the zones in which food pods would be permitted. As the original ordinance was drafted, Food Pods would only be permitted in the Central Business, and Highway Commercial zones. The Commission voted to modify the Ordinance to include both the Mixed Use and Industrial zones, subject to approval of an Administrative Review. However, when modifying the Ordinance to include this recommendation, staff identified that the land use category in which food pods would be permitted for the Industrial and Mixed Use zones would be subject to a Conditional Use Permit. As such, to maintain consistency within the Development Code, staff has modified the Ordinance to allow for food pods in the Industrial and Mixed Use Zones, subject to a Conditional Use application.

The Planning Commission also conducted a vote on whether to make restrooms a mandatory facility on-site if seating is provided. As the Ordinance was originally drafted, if seating is provided, then restroom facilities would be required to be provided on-site, OR within 0.025 miles (approximately 150 feet) of the food pod. After consideration of the motion, the Planning Commission voted to maintain the ordinance as written and not require restroom facilities on-site if other arrangements were available.

III. RECOMMENDATION

1. Evaluate the public testimony and the record established before the City Council; and
2. Council consider:
 - a. Adoption of Ordinance No. 2936 as amended by the Planning Commission; or
 - b. Adoption of Ordinance No. 2936 with modifications.

**A BILL FOR AN ORDINANCE)
AMENDING THE CITY OF LEBANON)
DEVELOPMENT CODE REGARDING)
REGULATION OF FOOD PODS)**

ORDINANCE BILL NO. 2019-13

ORDINANCE NO. 2936

WHEREAS, the Planning Commission for the City of Lebanon conducted a hearing on October 16, 2019 regarding Planning File No. 19-08-52 and made findings recommending certain amendments to the Development Code of the City of Lebanon regarding the regulation of food pods; 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 November 13, 2019; and

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

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

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

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

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

Passed by the Lebanon City Council by a vote of _____ for and _____ against and approved by the Mayor this 13th day of November 2019.

CITY OF LEBANON, OREGON

Paul R. Aziz, Mayor
Jason Bolen, Council President

ATTESTED BY:

Kim Scheafer, MMC, City Clerk

EXHIBIT A
AMENDMENTS TO THE LEBANON DEVELOPMENT CODE

16.08.100.E – Food Pod Regulations

1. Purpose. The purpose of these regulations is to establish criteria for the placement of Food Pods in the City of Lebanon. Food Pods provide the community a wider choice of eating and drinking options. Food Pods shall comply with all applicable City, County and State standards.

2. Definitions.

Food Preparation Unit. A Food Preparation Unit is a facility for the preparation of food for consumption by patrons from a mobile kitchen source such as a food truck, food cart, trailer, or similar facility. Food Preparation Unit is also inclusive of any kitchen facility operated from a permanent or temporary structure within a Food Pod. A Food Preparation Unit is not inclusive of brick and mortar restaurants operated outside of a Food Pod.

Food Pod. A legal site and/or address with more than one Food Preparation Unit operating on the site. For reference, Food Pod may also be referred to as a Pod throughout this code.

3. Site Design. Site Design Standards for Food Pods:
 - a. Food Preparation Units, designated walkways, and paths of travel for Food Preparation Unit maneuvering throughout the site shall be located on a paved or concrete surface. Food Pod amenities, except for restroom facilities, may be located on a gravel or landscaped surface.
 - b. Food Preparation Units shall not occupy pedestrian walkways or required landscaping. Transactions between customer and the Food Preparation Unit within the Pod shall not occur on any public right-of-way, or access to public right-of-way.
 - c. Food Pods shall not obstruct bicycle or vehicle parking required for the operation of the Pod, or for any existing use operating on the same property.
 - d. Food Preparation Units and/or objects associated with the Units shall not occupy fire lanes or other emergency vehicle access areas.
 - e. Front yard setbacks for Food Pods shall adhere to the front and street-side setbacks within the zone which the Pod is operating, but under no circumstances shall the setback be less than 5 feet. Rear and/or side yard setbacks for Food Preparation Units and amenities shall be the same as the zone which it is located.
 - f. Units shall not be located or oriented in a way that requires customers to queue in a driveway.
 - g. Uses shall not create tripping hazards in pedestrian and vehicular circulation areas with items including, but not limited to, cords, hoses, pipes, cables or similar materials.

- h. Where more than one Unit is located on a site, Units shall be separated by a minimum of six (6) feet, unless a more restrictive regulation from a local or state agency, including the Lebanon Fire District is required.
- i. Food Preparation Units and amenities shall not be located in the designated Vision Clearance Areas.
- j. Fences shall be constructed in compliance with Chapter 16.15 of the Lebanon Development Code.

4. Standards for amenities within a Food Pod:

- a. All Food Pods which provide seating for customers shall have restrooms available. Restrooms must have handwashing facilities with hot and cold running water, soap, and hand drying materials or devices. Restrooms must either be on-site, on an adjacent parcel, or within a 0.025 mile walk from the Pod site, with a signed agreement to allow Pod clientele to utilize the restroom facilities. On-site restrooms shall be screened from view of the public right-of-way and abutting residentially zoned properties.
- b. Required restrooms shall be available during Pod operating hours.
- c. All Food Preparation Units and customer amenities within a Pod shall be served by a minimum five (5) foot wide hard surfaced, ADA compliant, walkway.
- d. Waste and recycling receptacles shall be provided for customer and business waste. Receptacles shall be screened from view of the right-of-way and abutting residentially zoned properties and serviceable by the applicable waste-hauler.
- e. Storage structures accessory to Food Preparation Units shall be less than 120 square feet in size and no greater than 15 feet in height. Storage structures shall be set back a minimum of 20 feet from public rights-of-way. Setbacks for the accessory structures in the side and rear yards shall meet the minimum standards for accessory structures within the zone which the Pod is operating.
- f. Structures used to provide shelter to customers may be membrane structures such as tents or canopies or permanent structures.
 - i. Structures providing shelter and/or cover to patrons shall not exceed the following standards without Adjustment or Variance approval:
 - 1. Cover 200 square feet or less in area.
 - 2. Have a maximum of 50 percent of the structure enclosed with walls or sides. Membrane structures may be fully enclosed.
 - 3. Are 15 feet in height or less, as measured to the highest point.
 - ii. Structures shall comply with all local and state agency regulations, including but not limited to Lebanon Fire District, and Building regulations, and obtain all necessary permits and inspections prior to use of structure.

5. Individual Food Preparation Unit Design Standards. All Food Units operating within a Pod shall be subject to the design standards listed below:

- a. Units shall enclose or screen from view of the right-of-way and abutting residentially zoned property all accessory items not used by customers, including but not limited to, tanks, barrels, or other accessory items.
- b. Food Units shall not be missing siding or roofing.
- c. Food Units shall be kept in good repair and maintained in a safe and clean condition.
- d. Food Units shall maintain all required licenses and comply with all appropriate State and/or local agency regulations, including but not limited to, the Lebanon Fire District, and Linn County Health.
- e. If provided, cart awnings shall have seven (7) feet of clearance between the ground and awning for safe pedestrian circulation.
- f. Food Units shall not exceed 15 feet in height without Adjustment or Variance approval.

6. Utilities.

- a. Wastewater shall be addressed in one of the following two ways:
 - i. Units shall connect to the sanitary sewer consistent with applicable state plumbing codes and will include an approved grease interceptor for the disposal of fats, oils and grease. Indirect discharge or leakage draining into the storm water system is prohibited.
 - ii. Units shall connect to individual or community wastewater holding tanks. Tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper. A copy of the contract shall be provided to the City before any Units are located on-site. Holding tanks shall be screened from view of the right-of-way by fully sight obscuring fencing. Indirect discharge or leakage draining into the storm water system is prohibited.
- b. Potable water shall be addressed in one of the following two ways:
 - i. Units shall connect to a permanent water source in conformance with applicable state plumbing codes.
 - ii. Units shall be connected to a potable water tank consistent with Section 5-3 of the Oregon Health Authority's Food Sanitation Rules.
- c. Units and amenities shall connect to a permanent power source. Power connections may not be connected by overhead wires to the individual Units. Generators are prohibited in Pods.
- d. All utilities shall be placed or otherwise screened, covered, or hidden from view of the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

7. Parking. Food Pods must provide a minimum of two (2) parking space per approved mobile food preparation unit, when the food cart pod is located in a zone that is subject to parking requirements as stipulated in Chapter 16.14 of the Lebanon Development Code.

8. Signage.

- a. Signage on individual Units shall be limited to signs on the face of the Unit.
 - b. Freestanding menu boards may be utilized by each individual Unit within the Pod. The freestanding menu boards shall be located directly adjacent to the Unit's ordering window.
 - c. Signage for the Pod site are subject to provisions of Chapter 16.18 of the Lebanon Development Code.
9. Lighting. Food Pods shall have lighting to ensure safe environment for customers and employees that complies with the following:
- a. At minimum, areas to be occupied by customers shall be illuminated when Units operate during hours of darkness.
 - b. No direct light source shall be visible from the property line.
 - c. Lighting fixtures shall be oriented and/or shielded to prevent glare on abutting properties.
10. Food Pod and Unit Licensing.
- a. All Food Preparation Units operating within the Food Pod must first obtain all required local, county, state and other regulatory agency approval, including the Lebanon Fire District, prior to operating within the Pod. It is the responsibility of the Food Pod operator to ensure all Units operating within the Pod have obtained the appropriate licensure prior to the placement of the Unit within the Pod.

16.06.060 – Table 16.06-3 (Commercial Land Uses Allowed in the Mixed Use Zone)

Table 16.06-3: Commercial Land Uses Allowed in the Mixed Use Zone	
<i>Land Uses</i>	<i>Mixed Use Zone (Z-MU)</i>
(See pages 10-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)	
Commercial Uses with <u>Class I</u> Impacts:	
Offices	AR
Commercial Uses such as Stores (15,000 square feet or less) Selling Groceries, Printed Material, Books & Videos, Pharmaceuticals, Stationery, and Arts & Crafts; and Laundromats Tanning; Hair and Personal Care Services	AR
Other Commercial Uses with a floor area less than 2,000 sqft, such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Convenient Stores; Restaurants, Cafes, Delicatessens (Food & Beverage Sales without drive up facilities), Tailors and Seamstresses	AR
Commercial Uses with <u>Class II</u> Impacts:	
Other Commercial Uses such as, Educational, Arts and Training Facilities; Indoor Continuous Activities like Health Clubs, Gyms, Membership Clubs; Exhibition and Meeting Areas; Laundry Drop Off Facilities, Dry Cleaners; Lodges; Medical, Optical and Dental Labs; Stores (greater than 15,000 sqft) Selling Groceries, Pharmaceuticals,	AR

Printed Material, Stationery, Books, Books, & Videos, Arts & Crafts, Hair, Tanning, and Personal Care Services	
Other Commercial Uses such as, Hotels; Entertainment; Indoor Continuous Activities like Theaters, Bowling Alleys, Skate Rinks, and Game Arcades, Pool Halls, Indoor Firing Ranges; Food & Beverage Sales with drive up facilities; Food Pods , Financial Institutions (with Drive Up Operations); Liquor Stores (OLCC License), Taverns & Bars; Stores (greater than 15,000 sqft) Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants; Laundromats; Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)	CU
Commercial Uses with <u>Class III</u> Impacts:	
Parking Lot (when not an accessory use)	AR
Parking Structure	CU
Commercial Uses such as Auto Sales and Services, Commercial Centers, Breweries, Distilleries, and Wineries (less than 5,000 sq ft); Mini-Storage Units, Outdoor Amphitheatres Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, and Other Recreational Vehicles, Shopping Mall.	CU
Other Class III Uses	N
Key: OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.06-1: Characteristics of Major Land Use Actions Matrix -- Projects in the Mixed Use Zone Requiring a Planned Development Review (Chapter 16.23).	

16.08.060 – Table 16.08-3 (Commercial Land Uses Allowed in Commercial Zones)

Table 16.08-3: Commercial Land Uses Allowed in Commercial Zones			
<i>Land Uses</i>	Z-NCM	Z-CCM	Z-HCM
(See pages 10-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)			
Commercial Uses with <u>Class I</u> Impacts:			
Offices	AR	OP	OP
Commercial Uses such as Stores (15,000 square feet or less) Selling Groceries, Printed Material, Books & Videos, Pharmaceuticals, Stationery, and Arts & Crafts; and Laundromats Tanning; Hair and Personal Care Services	AR	MR	MR
Other Commercial Uses with a floor area less than 2,000 sqft, such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Convenient Stores; Restaurants, Cafes, Delicatessens (Food & Beverage Sales without drive up facilities), Tailors and Seamstresses,	AR	MR	MR
Commercial Uses with <u>Class II</u> Impacts:			
Other Commercial Uses such as Educational, Arts and Training Facilities, Entertainment, Indoor Continuous Activities like Theaters, Health Clubs, Gyms, Membership Clubs, Bowling Alleys, Skate Rinks, and Game Arcades;	N	AR	AR

Pool Halls, Indoor Firing Ranges; Exhibition and Meeting Areas, Food & Beverage Sales with drive up facilities, Financial Institutions (with Drive Up Operations), Hotels, Laundry Drop Off Facilities, Liquor Stores (OLCC License), Food Pods , Lodges; Medical, Optical and Dental Labs, Stores Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants Commercial Uses such as Stores (greater than 15,000 square feet) Selling Groceries, Pharmaceuticals, Printed Material, Stationery, Books, & Videos, Hair, Tanning, and Personal Care Services, and Laundromats			
Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)	CU (Assure pedestrian oriented access with vehicular access subordinated)		AR
Commercial Uses with <u>Class III</u> Impacts:			
Parking Lot (when not an accessory use)	N	AR	AR
Breweries without food service (5,000 square feet or less)	N	AR	AR
Other Commercial Uses such as Auto Sales and Services, Commercial Centers; Breweries, Distilleries, and Wineries; Mini-Storage Units, Outdoor Amphitheatres Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, and Other Recreational Vehicles, Shopping Mall.	N	N	AR
Other Class III Commercial Uses	N	N	CU
Key: OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.08-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Commercial Zone Requiring a Planned Development Review (Chapter 16.23).			

Section 16.09.060 – Table 16.09-3 (Commercial Land Uses Allowed in Industrial Zone)

Table 16.09-3: Commercial Land Uses Allowed in the Industrial Zone		
Land Uses	Z-IND West of 5th Street	Z-IND East of 5th Street
(See pages 9-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)		
Commercial Uses with <u>Class I</u> Impacts:		
Offices	N	
Commercial Uses such as Stores (15,000 square feet or less) Selling Groceries, and Pharmaceuticals, Stationery, Arts & Crafts; and Laundromats (15,000 square feet or less)	CU	N
Commercial Uses such as Stores (15,000 square feet or less) Selling Printed Material, Books, & Videos; Tanning; Hair and Personal Care Services	CU	N
Other Commercial Uses such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Tailors and Seamstresses	N	
Other Commercial Uses such as Restaurants, Cafes, Delicatessens, Mini-Marts.	CU	

Commercial Uses with <u>Class II</u> Impacts:	
Other Commercial Uses such as Entertainment, Indoor Continuous Activities like Theaters, Membership Clubs, Bowling Alleys, Skate Rinks, and Game Arcades; Pool Halls, Exhibition and Meeting Areas, Hotels, Laundry Drop Off Facilities, Liquor Stores (OLCC License), Lodges; Stores Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants); Stores (greater than 15,000 sqft) Selling Groceries, Pharmaceuticals, Printed Material, Stationery, Books, & Videos, Arts & Crafts, Hair, Tanning, and Personal Care Services, and Laundromats	N
Other Commercial Uses such as Educational, Arts and Training Facilities, Gyms, Health Clubs, Indoor Firing Ranges; Fast Food & Beverage Sales (with drive up facilities), Food Pods , Financial Institutions (with Drive Up Operations), Medical, Optical and Dental Labs	CU
Other Commercial Uses such as Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)	CU
Other Commercial Uses such as stand alone Large Scale Retail Stores (a minimum of 75,000 square feet of floor space), not including grocery stores or malls.	N
Commercial Uses with <u>Class III</u> Impacts:	
Parking Lot (when not an accessory use)	N
Breweries, Distilleries, and Wineries without food service	AR
Mini-Storage Units (including RV Storage)	OP
Other Commercial Uses such as Auto Sales and Services, Commercial Centers, Outdoor Amphitheaters Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, and Other Recreational Vehicles, Shopping Mall.	N
Other Commercial Uses such as Gas (Filling) Stations	CU
Other Class III Uses	N
Race Tracks (Auto, Horse, Dog, Bike, Motorcycle, Boat, etc.)	CU
Key: OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.09-1: Characteristics of Major Land Use Actions Matrix -- Projects in an Industrial Zone Requiring a Planned Development Review (Chapter 16.23).	
For the most part, the only commercial uses allowed in the Industrial Zone are those that provide services primarily to the industries and the employees of the industries. In general, the exceptions are those commercial uses whose size and scope of operations are commensurate with industrial uses.	

Section 16.14.070.B, Table 16.14.070-1 (Off-Street Parking Requirements for Motor Vehicles and Bicycle Types of Uses), Subsection 6 (Commercial Uses), remove and replace with this section

6. Commercial		
(a) Retail stores (except supermarkets and stores selling bulky merchandise) and grocery stores	4 spaces per 1000 sq. ft. of net floor area	5 percent of required vehicle parking, or 4 spaces, whichever is greater
(b) Supermarkets	1 space per 400 sq. ft of net floor area	5 percent of required vehicle parking, or 4 spaces, whichever is greater
(c) Service or repair shops	3 spaces per 1000 sq. ft. of net floor area	5 percent of required vehicle parking, or 4 spaces, whichever is greater

(d) Retail stores and outlets selling furniture, automobiles, or other bulky merchandise, when shown that bulky merchandise occupies 51% or more of the net floor area	1.5 spaces per 1000 sq. ft. of net floor area	2.5 percent of required vehicle parking, or 4 spaces, whichever is greater
(e) Office or other commercial flex space (except medical and dental)	3 spaces per 1000 sq. ft. of net floor area	2 percent of required vehicle parking, or 4 spaces, whichever is greater
(f) Bank or other financial institutions	4 spaces per 1000 sq. ft. of net floor area	2 percent of required vehicle parking, or 4 spaces, whichever is greater
(g) Medical and dental office or clinic area	4 spaces per 1000 sq. ft. of net floor area	2 percent of required vehicle parking, or 4 spaces, whichever is greater
(h) Eating or drinking establishments (e.g., sit-down and carry-out restaurants, lounges, nightclubs, taverns, bars)	1 space per 4 fixed seats or stools (18 lineal inches of bench shall be considered one seat) and 1 space for each 50 sq. ft of dining or drinking area where there are no fixed seats	5 percent of required vehicle parking, or 4 spaces, whichever is greater
(i) Eating or drinking establishments with drive-thru facilities (Fast Food) Coffee or food kiosks (e.g., espresso stands)	10 spaces per 1000 sq. ft. of net floor area 2 spaces	5 percent of required vehicle parking, or 4 spaces, whichever is greater 1 space
(j) Food Pods	2 space for each Food Preparation Unit	5 percent of required vehicle parking, or 4 spaces, whichever is greater
(k) Mortuaries, Crematory and Undertaking [Interring and Cemeteries are exempt]	1 space/4 seats or 8 ft of bench length in chapels	Minimum of 4 spaces

Section 16.19.110.B.3 – Mobile Food Preparation Units

3. Mobile Food Preparation Units. Mobile Food Preparation Units are permitted in all commercial zones, subject to the following:

- a. Through a Temporary Use Permit, a maximum of one Mobile Food Preparation Unit may be permitted on a fully improved site and/or address defined in item 2.b of this subsection. If more than one Mobile Food Preparation Unit operates on a site and/or address, the use shall be subject to the regulation and permitting requirements for Food Pods in Section 16.08.100.E of the Lebanon Development Code.
- b. The business may be operated from a vehicle, cart or trailer with wheels, or temporary structure. Except for electrical service, the vehicle or structure shall be self-contained. This requirement specifically prohibits connections to the City water and/or sewer system.
- c. The Mobile Food Preparation Unit may occupy no more than 300 square feet of area and shall be kept in good repair and maintained in a safe and clean condition.
- d. The Mobile Food Preparation Unit is limited to 365 days at a given site and/or address with an unlimited number of 365-day extensions. Each extension shall require a new permit.
- e. The required parking for the primary uses on the same lot shall not be reduced below Ordinance requirements and the use does not block driveways, driveway entrances, parking aisles, walkways or sidewalks.
- f. The activity conforms to all signage requirements in Chapter 16.18.

- g. The activity conforms to all setback requirements applicable to the zone.
- h. Prior to obtaining a temporary use permit, the applicant shall show evidence of obtaining the necessary permits from Linn County Department of Health Services for the operation of a Mobile Food Preparation Unit. In addition, the operator shall obtain all permits and required inspections by other agencies, including the Lebanon Fire District.
- i. The Mobile Food Preparation Unit operator shall provide the required information, pay the applicable fee, and obtain and display the required temporary business permit.

EXHIBIT B
LEBANON CITY COUNCIL FINDINGS
Planning File No. 19-08-52

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon Planning Commission on the application of the City of Lebanon to amend the Lebanon Development Code.

II. BACKGROUND INFORMATION

The City wishes to amend the Lebanon Development Code to include regulations and permitting requirement for Food Pods and individual Mobile Food Preparation Units. 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 October 16, 2019. At that hearing, City Planning File No. 19-08-52 was made a part of the record. Notice of the hearing was published consistent with the requirements in Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council adopt the proposed amendments to the Lebanon Development Code. The Commission found the proposed changes consistent with the applicable decision criteria.

B. City Council Action

A public hearing was held on this application before the Lebanon City Council on November 13, 2019. At that hearing, City Planning File No. 19-08-52 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 Planning Commission, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

A. The applicant is the City of Lebanon.

B. The City wishes to amend the Lebanon Development Code to include regulations and

permitting requirement for Food Pods and individual Mobile Food Preparation Units. Exhibit "A." contains the specific language.

- C. The proposal affects the Central Business Commercial and Highway Commercial zoning districts.
- D. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code: Chapter 16.28 – Comprehensive Plan and Development Code Text Amendments.

V. APPLICATION SUMMARY

- A. Based on identified interest in the establishment and operation of food pods within the City, the City Council directed staff to draft a code amendment to develop regulations for the permitting and operation of food pods within the City. The code amendment also revises the regulation of mobile food preparation units authorized under the Temporary Use Permit application process. Attachment "A" of this Order provides the full code amendment language, which is summarized below:
 - Site Design.
 - There must be a designated walkway for pedestrians and path of travel for the maneuvering of food trucks throughout the site.
 - The food trucks shall not occupy pedestrian walkways, public rights-of-ways, or emergency vehicle access areas.
 - Food trucks within the Pod shall not be located in the required setbacks for the zone, but under no circumstance setback less than 5 feet from the property line.
 - Trucks shall be oriented so the order taking process and customer queuing area occurs on private property and does not block required drive aisles and paths of travel.
 - Trucks shall be separated a minimum of six feet.
 - Site Amenities (if provided):
 - All food pods that provide seating for customers shall have restrooms available.
 - Restrooms shall be available either on-site, or within a 0.025 mile walk from the Pod site, with a signed agreement from the business owner authorizing use of the restrooms for food pod customers.
 - All food trucks and customer amenities shall be serviced by a minimum five-foot wide hard surfaced, ADA compliant walkway.
 - Waste and recycling receptacles shall be provided for customers and business waste. Receptacles should be screened from view of the public rights-of-way.
 - Structures to provide shelter to customers may be permitted, subject to building and fire code standards.
 - Individual food truck standards:
 - Shall be kept in good repair and maintained in a safe condition, and clean appearance.
 - Accessory items associated with the truck (i.e., tanks, barrels, generators, etc.), shall be screened from view of the public right-of-way.
 - Awnings shall have a seven-foot clearance between the ground and awning for safe pedestrian circulation.

- Utilities: Under the current regulations, the food trucks are not allowed to connect to utilities, except for electrical. The new regulations would allow for connection with utilities, or the maintain use of holding tanks for potable and wastewater. If holding tanks are utilized, they must be screened from the public rights-of-way.
- Parking: Food pods would require two parking spaces per food truck space in the pod.
- Lighting: Lighting shall be provided in areas occupied by customers during hours of darkness, and no direct light source shall be visible from the property line.

Single Mobile Food Preparation Unit - Food Pods are defined as properties with the operation of more than one food truck, or mobile food preparation unit at a time. As such, the single operating food preparation unit on a property would not be subject to the new regulations for Food Pods. The single mobile food preparation unit would still be permitted under the Temporary Use Permit. Minor modifications are included to the existing rules for mobile food preparation units permitted under the Temporary Use Permit, including:

- Temporary Use Permit for mobile food preparation units not associated with a food pod would be valid for a period of one year. This is an increase in time from six months; and
- Operation of a mobile food preparation unit shall be from an improved site.

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

VI. CRITERIA AND FINDINGS

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

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

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

FINDINGS: Findings in response to the above noted criteria:

1. DLCD Administrative Rules – The Oregon Administrative Rules address a variety of issues including development on farmland, provisions for needed housing, requirements to expand an urban growth boundary, meeting natural resource planning requirements and similar issues. Based on the submitted staff review, and that the DLCD did not identify specific Administrative Rules for the City to consider, the Commission concludes there are no Administrative Rules that are specifically applicable to the proposed Code amendment.

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

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

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

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

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

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The

proposed 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: These amendments do not affect economic development activities within the City or restrict their development. The amendment provides an opportunity to increase business activity within the City and provide a commercial service to the residents and employees within the City, thereby supporting Goal 9.

Goal 10, Housing: The amendments do not affect housing supply or location, or, the City's ability to meet identified housing needs.

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

Goal 12, Transportation: The proposed Code revisions do not create uses or activities that would negatively impact 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 economic development, housing or natural resources. Each Chapter is reviewed below:
 - a. Chapter 1: Introduction - This introductory Chapter describes the

Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology. As introductory provisions, this Chapter does not directly apply to the proposed text amendments.

- b. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City’s natural environment.

FINDINGS: This Chapter does not apply, as the Code revision does not establish new regulations involving wetlands, wildlife habitat or other resources identified as requiring preservation or protection.

- c. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City, including public facility provisions and annexations.

FINDINGS: This Chapter does not apply, as the proposed Code amendments do not affect, reduce or otherwise alter provisions for urban development within the community.

- d. Chapter 4: Land Use – This Chapter details the goals and policies to assure the City provides different types of land within City limits that are suitable for a variety of uses.

FINDINGS: This Chapter does not apply as the proposal Code amendments do not modify or alter existing zoning designation of land, and thereby, the City’s ability to provide different types of land, of suitable size and quantity, to meet a variety of development needs.

- e. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both.

FINDINGS: The amendments will allow for a new business activity to occur in the City which is currently not regulated. The new business activity may result in an increase in jobs with the service sector, a growing economic sector in the region. The amendments would support Economic Goal #1 (Providing employment opportunities for Lebanon citizens).

- f. Chapter 6: Housing – This Chapter establishes the City’s Goals and Policies related to Housing.

FINDINGS: The code amendments impact commercial zoning districts and regulates business operations of a particular use. The code amendments will not impact zoning districts for housing purposes or limit the production of housing.

- 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 code amendment.

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

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

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

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

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

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

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

VII. CONCLUSION

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

Agenda Item 2



925 S. Main Street
Lebanon, Oregon 97355

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www.ci.lebanon.or.us

MEMORANDUM

Engineering Services

To: Mayor Aziz and City Council

Date: November 4, 2019

From: Ron Whitlatch, Engineering Services Director

Subject: **RESOLUTION TO APPROVE EXPANDED SCHOOL SPEED ZONE**

Reeves Parkway in the vicinity of Fifth Street

Project No. 19711

I. INTRODUCTION

Over the past year, City Staff (Lebanon Police Department and Public Works) have received complaints regarding speeding and unsafe crossing conditions on Reeves Parkway in the vicinity of fifth Street. Complaints mostly pertain to motorists not stopping for children to cross Reeves Parkway on their way to and from Pioneer School.

In January 2019, City Staff performed a traffic count/speed study on Reeves Parkway to better understand if the posted speed limit of 40 MPH is appropriate. The study found that 85% of the traffic (both west and eastbound) were driving between 39 MPH and 46MPH. This data suggests that the posted speed limit is accurate for the roadway.

Beginning this fall, complaints were again received regarding speeding and motorists not stopping at the marked crosswalk (intersection of Reeves parkway and Fifth Street) for children crossing to go to Pioneer School. The Lebanon Police Department has spent an abundance of time providing extra patrols in the area, monitoring the crossing situation and contacting local businesses in the area to educate motorists of the school crossing issue and posted speed limits.

Public Works Staff began an Engineering Study in late September to determine if the section of roadway warrants or could be changed to a School Zone. It should be noted that the study is done at the discretion of the Road Authority (City in this case) and is primarily used for a justification to either implement or not implement a school zone. The study looked at traffic volumes (which ranges from 300 to 600 vehicles per day), speeds, pedestrian counts (currently there are 20 students who cross this intersection to and from Pioneer School), Accident History (no documented accidents), and concurrence from local School District. We reached out to the Lebanon School District for comments or concerns regarding the implementation of the school zone and did not receive a response. In October the Lebanon School Board passed a Resolution (which is attached) to create a new bus stop in this area due to the unsafe crossing conditions.

Of all the criteria studied, there are two that in Staff's opinion should trigger the implementation of the School Zone. This would be the number of students crossing and the

posted speed limit where they are crossing. It should also be noted that the area is continuing to develop, and there will likely be more children using this crossing to get to and from Pioneer School.

Attached to this memo is the resolution for the crossing, a drawing which depicts the proposed signage for the school zone and the resolution passed by the Lebanon School Board. We are estimating the cost to create the school Zone (signage and striping) will be approximately \$12K to \$16K and can be funded within the current budget.

II. RECOMMENDATION

I recommend that City Council pass the Resolution creating a New School Zone on Reeves Parkway.

**RESOLUTION TO EXPAND PIONEER SCHOOL
SPEED ZONE ONTO REEVES PARKWAY IN THE
VICINITY OF 5TH STREET**

) **RESOLUTION NO. 2019-29**
)
)

WHEREAS, the City Council of the City of Lebanon did review the existing speed zone on Reeves Parkway in the vicinity of South 5th Street with staff and, with concurrence of the Lebanon Chief of Police, recommends that the school speed zone be expanded.

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

SECTION 1: The Pioneer School Speed Zone is expanded onto Reeves Parkway in the vicinity of 5th Street as specified in Exhibit “A”, which is incorporated herein.

SECTION 2: Effective Date. This Resolution shall become effective upon passage.

Passed by the Lebanon City Council and executed by the Mayor on this 13th day of November 2019, by a vote of _____ yeas and ____ nays.

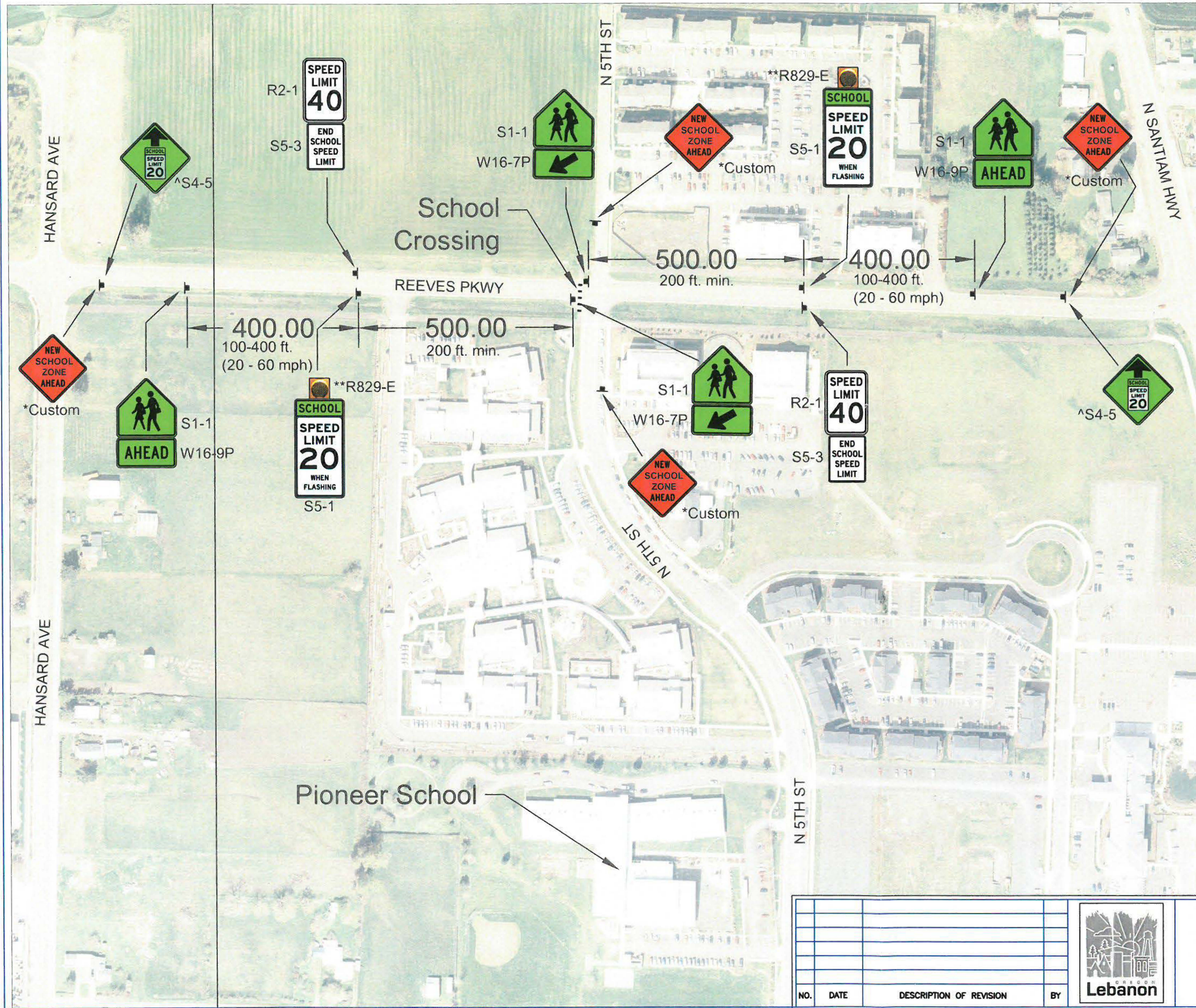
CITY OF LEBANON, OREGON

Paul R. Aziz, Mayor
Jason Bolen, Council President

ATTESTED:

Kim Scheafer, MMC, City Clerk

Proposed Signage on Reeves Parkway



Sign	Sign Designation	Section	Size
School	S1-1	7B.08	36X36
^Reduced School Speed Limit Ahead	S4-5	7B.16	36X36
School Speed Limit XX When Flashing	S5-1	7B.15	24X48
End School Speed Limit	S5-3	7B.15	24X30
Speed Limit	R2-1	7B.15	24X30
*New School Zone Ahead	Custom	N/A	36X36

Plaque	Sign Designation	Section	Size
Diagonal Arrow	W16-7P	7B.12	24X12
Ahead	W16-9P	7B.11	24X12

See Manual on Uniform Traffic Control Devices - 2009 Edition Chapter 7B. Signs

* Two week temporary use

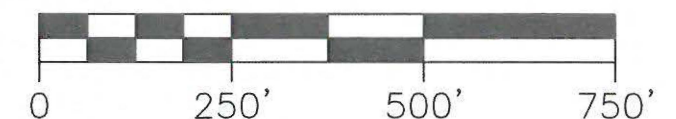
^ Permanent use following temporary placement of "NEW SCHOOL ZONE AHEAD" sign

Flashing Beacon - Single, Solar Powered with Integrated Engine

Beacon Model	Beacon Diameter	Pole	Mounting Height	Panel	Battery	Activation Method
**R829-E	8"	2.38" - 2.88" OD Round	≥ 15 ft	≥ 12.8W	≥ 14Ah	Calendar

See Manual on Uniform Traffic Control Devices - 2009 Edition Chapter 4L. Flashing Beacons

** Or similar model



NO.	DATE	DESCRIPTION OF REVISION	BY



Addition of School Speed Zone (Reeves Parkway)			SHEET 3	OF 3
DESIGNED BY/DATE	K. Shanks October 2019	PROJECT NUMBER	TITLE: Proposed Signage on Reeves Pkwy	
DRAWN BY/DATE	K. Shanks October 2019	FILE NAME	Signage Plan	SCALE: AS SHOWN

**LEBANON COMMUNITY SCHOOL DISTRICT
RESOLUTION 1920-3**

**Adopting the Transportation Plan as a Supplement to the Lebanon Community School
District Comprehensive Plan**

WHEREAS, the Lebanon Community School District has identified a hazardous student walking zone for students who live less than one mile from Pioneer School.

WHEREAS, at the residential area adjacent to North 5th Street and Highway 20, the following conditions apply:

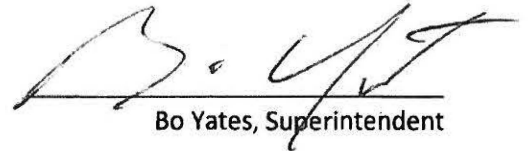
- Roadway of forty (40) miles per hour
- Significant commuting traffic
- Large semi-truck traffic
- No adequate safety

WHEREAS, the Lebanon Community School District became in conflict with ORS 327.043, a law which governs the distance from a school that students will be transported by the District.

BE IT THEREFORE RESOLVED that the Board of Directors of Lebanon Community School District approves and adopted the Supplemental Transportation Plan, as presented, for the purpose of student safety on October 10, 2019.



Tom Oliver, Board Chair



Bo Yates, Superintendent

Reeves Parkway expansion past N 5th St Supplemental Plan Justification

The Superintendent has determined the area adjacent to N 5th St and Hwy 20 to be a hazardous walk zone. Reeves Parkway has a speed limit of forty (40) miles per hour with some significant commuting traffic and large semi trucks going into Lowes Distribution Center. There is no adequate safety for the elementary age children who live in the Cascade Ridge Apts. Upon this determination, the District became in conflict with ORS 327.043. This Law governs the distance from a school that children will be transported by District.

In order to come into compliance with State Law, the Board is requested to adopt the attached resolution that provides our reasoning for transport within the one (1) mile radius. Pursuant to PL93-112 and section 504 of the Rehabilitation Act of 1973, the District is currently transporting special needs students who require reasonable accommodation within the walk zone. The Transportation Department requests approval of a Supplemental Plan by the School Board for recommendation to the Oregon Department of Education. If approved, this Plan will provide for funding of the additional route required to support transportation of these students.

Kove's Distribution Center

33512 LUCKY WAY

33467 SANTIAM HWY

Cascade Ridge Apt

33374 SANTIAM HWY

33344 SANTIAM HWY

701 5TH ST

37225 JAMES PL

Reeve's Pkwy

40 MPH

725 HANSARD AVE

701 5TH ST

37281 JAMES PL

701 5TH ST

Proposed bus stop

37281 JAMES PL

33255 SANTIAM HWY

33239 SANTIAM HWY

33213 SANTIAM HWY

695 HANSARD AVE

611 HANSARD AVE

560 HANSARD AVE

511 HANSARD AVE

525 SANTIAM HWY

1211 HARRISON ST

270 HANSARD AVE

500 5TH ST

Twin Oaks Ave

181 INDUSTRIAL WAY

232 ENTEK WAY

Laurel St

515 MARY ST

N Santiam Hwy

251 INDUSTRIAL WAY

250 HANSARD AVE

499 MARY ST

498 MARY ST

273 MARY ST

300 SANTIAM HWY

325 SANTIAM HWY

375

Pioneer

Boulder Falls Dr

325 SANTIAM HWY

Agenda Item 3



925 S. Main Street
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MEMORANDUM

Community Development

To: Mayor Aziz and City Council
From: Kelly Hart, Community Development Director
Subject: Planning Commission Municipal Code Clean Up

Date: November 4, 2019

I. INTRODUCTION

Chapter 2.24 of the Lebanon Municipal Code establishes the Planning Commission membership and operation regulations. The last time this code was updated was in 2010 and it was identified that a general code clean-up would be helpful to address some inconsistencies and provide additional flexibility.

II. CURRENT REPORT

A number of the sections within the chapter are proposed to be amended. A general overview of the amendments include:

1. Membership: amends the membership to be a minimum of five and a maximum of nine. This provides flexibility for when it is difficult to recruit new membership.
2. Language regarding the alternate commissioners' roles and responsibilities was clarified to allow their participation in meeting, even when a quorum is established.
3. Modifying quorum rules to be based on majority of appointed regular commissioners rather than identifying a specific number of commissioners. The current code identifies a minimum of five is needed for a quorum, which is more than the majority of appointed regular commissioners.
4. Modified language regarding meetings and conducting a special meeting to reflect Oregon public meeting law.
5. Added a Section defining conflict of interest, and action to be taken by commissioners when a conflict is identified.

III. RECOMMENDATION

1. Review the record and public testimony
2. Adopt Ordinance No. 2019-12 amending Chapter 2.24 of the Lebanon Municipal Code.

**A BILL FOR AN ORDINANCE AMENDING
CHAPTER 2.24 OF THE LEBANON MUNICIPAL
CODE CONCERNING PLANNING COMMISSION
MEMBERSHIP AND OPERATION**

) **ORDINANCE BILL NO. 2019-12**
)
)
) **ORDINANCE NO. 2935**

WHEREAS, the current language in the municipal code requires amendment to address inconsistencies and provide clarity for the operation of the planning commission; and

WHEREAS, the Lebanon City Council wishes to change the code language regarding planning commission membership and operation.

NOW, THEREFORE, THE LEBANON CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Section 2.24.020 Membership – Appointment is hereby amended to read as follows:

The commission shall consist of **up to** nine members, **with a minimum of five regular members, with the balance as alternates**, to be appointed by the mayor.

Section 2. Section 2.24.025 Appointment or re-appointment of commissioners and vacancies is hereby amended to read as follows:

The method for the appointment or re-appointment of regular members and alternates of the planning commission shall be as follows:

~~A. Notice of Vacancy. Public notice of all current or anticipated vacancies shall be made from April 1—30 in every even numbered year (or upon resignation) in the local newspapers and the city's social media pages. Notice will inform the public of the vacancy requirements and invite interested persons to apply for appointment to the commission by filing the appropriate application form provided by the city clerk's office. Applicants shall submit their application to the city clerk's office no later than May 15. The notice shall be posted repeatedly on the city's social media sites several times throughout the filing period.~~

~~B. Subject to the provisions of Lebanon Municipal Code [Section 2.24.040](#), Term of office, nothing in this section shall prevent a member of the commission whose term of office is to expire from re-applying for a position on the commission, provided that the member otherwise qualifies for appointment.~~

~~C. Commission Recommendation. The city clerk's office will submit all applications received to the commission chair and planning director for review at the May planning commission meeting. The commission may elect to interview applicants prior to submitting their recommendation to the mayor and city clerk's office by June 1.~~

~~D. The failure of giving timely notice or strictly following the procedures set forth in this section shall not invalidate the appointment of any person to the planning commission or of any action taken by the planning commission which would otherwise be lawful.~~

Members of the Planning Commission shall be appointed by the Mayor. Upon end of term or vacancy, a public notice shall be issued to inform the public of the upcoming vacancy and requirements. The Mayor may request members of the planning

commission or city staff to participate in the interview and selection process. For vacancies, the appointment shall be for the remainder of the unexpired term of the vacated seat.

Section 3. Section 2.24.030 *Occupation and residency* is hereby amended to read as follows:

The following occupational and residency requirements shall apply to membership:

- A. Not more than two members of the regular commission or alternates shall be engaged principally in the buying, selling or developing of real estate for a profit as individuals or as members of any partnership or as officers or employees of any corporation that is engaged principally in buying, selling or developing real estate for a profit.
- B. No more than two members shall be engaged in the same kind of business, trade or profession.
- C. ~~At least five~~ **A majority of** members must reside within the city limits of Lebanon.
- D. No more than two members shall reside outside the urban growth boundary of the city.
- E. Remaining members may reside within the urban growth boundary of the city but outside city limits.

Section 4. Section 2.24.045 *Alternates* is hereby amended to read as follows:

- A. The purpose of appointing alternates is to provide a pool to ensure a commission quorum and to provide a training ground for future commission membership. Alternates shall be available to serve as regular commission members on a temporary basis in the event of an absence or temporary vacancy of a regular planning commission member. **Alternates may also participate in commission meetings, even when a quorum is established by regular commissioners.** When serving **as a temporary regular commissioner or participating in regular meetings,** alternates shall have all of the duties and responsibilities of a regular planning commission member.
- B. The mayor shall appoint, or re-appoint, commission alternates pursuant to provisions in Section 2.24.025 and the terms of office for alternates shall comply with provisions in Section 2.24.040. The appointment of an alternate to fill a vacancy shall conform to procedures in Section 2.24.025.

Section 5. Section 2.24.060 *Commissioner removal* is hereby amended to read as follows:

~~Appointments to fill vacancies shall be for the remainder of the unexpired term.~~—A member **of the commission** may be removed by the mayor, after hearing, for misconduct or nonperformance of duty. A **regular** member who is absent from three consecutive meetings, or is absent from five or more meetings in one year, without an excuse as approved by the commission, is rebuttably presumed to be in nonperformance of duty and the mayor shall declare the position vacant unless finding otherwise following the hearing.

Section 6. Section 2.24.080 Secretary – Appointment – Recordkeeping duties is hereby amended to read as follows:

The community development ~~manager~~ **director**, or his/her designee shall serve as secretary to the planning commission and shall keep a record of commission proceedings.

Section 7. Section 2.24.090 Quorum is hereby amended to read as follows:

The attendance of ~~five members~~ **a majority** of the **appointed** regular planning commission. ~~including Alternate planning commission members who are present and acting as planning commission members, at a meeting shall constitute~~ may be used to establish a quorum for the purpose of conducting a planning commission meeting.

Section 8. Section 2.24.100 Meetings is hereby amended to read as follows:

The commission shall meet at least once a month, unless determined otherwise by the chairperson. Meetings of the commission shall be open to the public. Meetings other than at regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records. ~~The chairperson upon his own motion may, or at the request of three members of the commission shall, by giving written notice to members of the commission and those officials designated to site with it, call a previously unannounced special meeting of the commission for a time not earlier than twenty-four hours after the notice is given. Notice of a previously unannounced meeting shall be posted at the city hall and, to the extent feasible, provided to interested persons at least twenty-four hours prior to the meeting.~~ **Special meetings may be called in accordance with the Oregon public meeting law by the chairperson or vice chairperson. All meetings shall comply with ORS 192.640.**

Section 8. Section 2.24.120 Conflict of interest is hereby added to read as follows:

A member of the planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or his/her spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he/she is then serving or has served within the previous two years, or any business with which he/she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential financial interest shall be disclosed at the meeting of the commission where the action is being taken.

Passed by the Lebanon City Council and executed by the Mayor on this 13th day of November 2019 by a vote of ____yeas and ____nays.

CITY OF LEBANON, OREGON

Paul R. Aziz, Mayor
Jason Bolen, Council President

ATTESTED BY:

Kim Scheafer, MMC, City Clerk

Agenda Item 4



925 S. Main Street
Lebanon, Oregon 97355

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MEMORANDUM

City Clerk's Office

To: Mayor Aziz and City Council
From: Kim Scheafer, MMC, City Clerk
Subject: Amending LMC 2.20.050 Library Committee
Membership

Date: November 5, 2019

I. INTRODUCTION

This summer a question came up regarding the membership requirements for the Library Committee. During review of the municipal code language recommendations were made by the Library Director and City Clerk so that it better reflects the current makeup of the committee.

II. CURRENT REPORT

The Library Committee has two non-voting members which are a City Councilor and a Friends of the Library member. Current code language does not list the Friends of the Library representative as a non-voting member. The current language also does not list any residency requirements for voting members. It was felt that the language should be added that voting members must reside within the Lebanon zip code.

Members of the Library Committee reviewed the proposed code change at their October meeting and felt it was appropriate.

III. RECOMMENDATION

Staff recommends adopting Ordinance 2937 so that code reflects the current makeup of the Library Committee.

A BILL FOR AN ORDINANCE AMENDING) ORDINANCE BILL NO. 2019 –14
CHAPTER 2.20.050 OF THE LEBANON MUNICIPAL)
CODE, CONCERNING LIBRARY COMMITTEE) ORDINANCE NO. 2937
MEMBERSHIP)

WHEREAS, the current language in the municipal code does not correctly reflect the setup of the current Library Committee; and

WHEREAS, the Lebanon City Council wishes to change the membership wording for the Library Advisory Committee.

NOW, THEREFORE, THE LEBANON CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Section 2.20.050 *Membership; appointment; terms.* is hereby amended to read as follows:

The library advisory committee shall consist of up to seven voting members, ~~and~~ one city councilor (non-voting member), **and one Friends of the Library member (non-voting member)**. All **voting** members shall be appointed by the Lebanon City Council. The term of office for each **voting** member shall be three years. Members shall receive no compensation for their services and are eligible for reappointment. **Voting members must reside within the 97355 zip code.**

Passed by the Lebanon City Council and executed by the Mayor on this 13th day of November 2019 by a vote of ____yeas and ____nays.

CITY OF LEBANON, OREGON

Paul R. Aziz, Mayor
Jason Bolen, Council President

ATTESTED BY:

Kim Scheafer, MMC, City Clerk

Agenda Item 5

Agenda Item 6



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MEMORANDUM

Community Development

To: Mayor Aziz and City Council
From: Alysia Rodgers, Economic Development Catalyst
Subject: Mid Valley Partnership Intergovernmental Agreement (IGA)

Date: November 4, 2019

I. INTRODUCTION

In the fall of 2017, eight cities from Linn and Benton Counties: Sweet Home, Lebanon, Halsey, Harrisburg, Monroe, Adair Village and Philomath met to discuss on opportunity for a regional approach to Economic Development for rural cities. From this, a Rural Opportunities Initiative Grant through Business Oregon was applied for and awarded to partner with the non-profit organization Oregon Regional Accelerator & Innovation Network (RAIN) to bring a Venture Catalyst to the region to work with local entrepreneurs. Through this collaboration the 8 cities have worked closely together to build an ecosystem around entrepreneurship and continue to work with RAIN to further these efforts. As progress has been made, the 8 Cities continued to look for other creative ways to represent rural cities in Linn and Benton Counties in economic development on a regional level.

In April of 2019, the 8 Cities expressed interest in a strategic planning session to explore the possibility of developing an Economic Development Organization (EDO) that could help facilitate further regional economic development. Through this meeting a Technical Assistance Grant through The Ford Family Foundation was sought out and obtained to fund the strategic planning efforts. The results of multiple planning session are the attached Intergovernmental Agreement (IGA) and Action Plan.

II. CURRENT REPORT

The main goals/strategies of the IGA are to:

1. Establish a rural-focused primary point of contact collaborating with all existing services and organizations to align, focus, and leverage resources
2. Connect new entrepreneurs with learning opportunities with start-up support
3. Help link existing and potential employers with a skilled and trained workforce
4. Advocate for the rural communities and the goals of the partnership for improved market conditions, and improved legislative, regulatory, or government laws, policies and programs

The City of Lebanon would benefit particularly from the regional connections, coordination, and advocacy at the county and state level. The next steps would include entering into a 3-year IGA with the other cities, define the scope of work and staffing needs to carry out the plan, develop a financial plan for on-going operations and submit for each city's subsequent budget processes.

There is no stipulated budget in the IGA. The language used stipulates that the expenditures by each City shall be within existing appropriate budgeted funds for the FY 19-20 and that a budget will be developed by the Operations Group and proposed to each City in the FY 20-21 and subsequent budget processes. The IGA does not identify a required contribution from each City, and the work product achieved through the partnership would be based on each City's ability to contribute financially as well as staff time, along with aggressively pursuing grants.

III. RECOMMENDATION

1. Enter into the Intergovernmental Agreement between the various rural cities in Linn and Benton Counties to further regional economic development.
2. Continue Economic Development efforts independently through efforts of the Economic Development Catalyst and support from other city staff.

A RESOLUTION AUTHORIZING PARTICIPATION) RESOLUTION NO. 2019-30
IN AN INTERGOVERNMENTAL AGREEMENT)
WITH CITIES WITHIN LINN AND BENTON)
COUNTIES FOR THE PURPOSE OF PURSUING)
AN ECONOMIC DEVELOPMENT PARTNERSHIP)

WHEREAS, the City Council of the City of Lebanon recognizes the need for community and economic development to improve the livability and vitality of the community; and

WHEREAS, additional support and advocacy is needed for existing and new local businesses; and

WHEREAS, there is no agency that currently fills all the economic development needs in Linn and Benton Counties; and

WHEREAS, The City Council desires to work together with other neighboring and regional communities to improve the economic landscape for Lebanon and for the region.

NOW, THEREFORE, BE IT RESOLVED the City of Lebanon hereby agrees to sign the Intergovernmental Agreement with the cities of Adair Village, Brownsville, Harrisburg, Halsey, Monroe, Philomath and Sweet Home for the purpose of forming the Mid-Valley Partnership and continuing to work together to bring growth and prosperity to our communities and our region.

A copy of the Intergovernmental Agreement is attached hereto as Exhibit "A".

Passed by the Lebanon City Council and executed by the Mayor on this 13th day of November, 2019 by a vote of ____ yeas and ____ nays.

CITY OF LEBANON, OREGON

Paul R. Aziz, Mayor
Jason Bolen, Council President

ATTESTED BY:

Kim Scheafer, MMC, City Clerk

Exhibit "A"



INTERGOVERNMENTAL AGREEMENT BETWEEN VARIOUS
 MUNICIPAL CORPORATIONS OF THE STATE OF OREGON
PARTIES TO THE AGREEMENT

This agreement made and entered into this ____ day of November 2019, by and between the following municipalities:

- | | |
|---------------|------------|
| Adair Village | Lebanon |
| Brownsville | Monroe |
| Halsey | Philomath |
| Harrisburg | Sweet Home |

All listed cities are municipal corporations of the State of Oregon, hereinafter called CITIES, and hereby partner for the formation of the Mid-Valley Partnership, hereinafter called MVP, for the purpose of building economic development capacities for the region. This will be accomplished by creating a joint economic development organization as identified in Exhibit A – **“Mid-Valley Prosperity Partnership Economic Strategy and Action Plan – 2019” and by creating the deliverables listed in Exhibit B.**

PURPOSE

The CITIES are desirous of enhancing economic development activities that better serve the public. The CITIES will utilize resources such as personnel time, capacities, facilities and funding to promote the vision, strategy and goals set forth herein. This agreement is authorized and provided for by the provisions of ORS 190.010.

IN CONSIDERATION OF THE MUTUAL CONVENANTS
 CONTAINED HEREIN, THE PARTIES AGREE TO THE
 FOLLOWING TERMS, PROVISIONS AND CONDITIONS:

1. Financial Obligations by CITIES. CITIES shall cost share expenses on mutually agreed to terms allowed and authorized by each CITIES governing body

through the CITIES manager, administrator or authorized designee. Responsibility to meet financial obligations will be the sole responsibility of every political subdivision who is a party to this agreement.

During FY 19-20, expenditures by each City shall be within existing appropriate budgeted funds. A work program and budget will be developed by the Operations Group and proposed to each City in the FY 20-21 and subsequent budget processes.

2. Service to be Performed by Third-Party Agents. CITIES shall ensure performance of any services rendered on behalf of CITIES.
3. Term. This agreement shall be from November 1st, 2019 through and including June 30, 2022. However, the CITIES shall continue until all agents and third-party obligations are met once officially authorized by this agreement. The CITIES shall review the terms of the agreement and mutually determine if any amendments are desired. For any modification(s) to be effective, any amendment, modification or otherwise shall be in writing and approved by all parties and placed as an attachment or appendices to this agreement.
4. Indemnification. To the fullest extent permitted by law, and in accordance with the Oregon Constitution and the Oregon Tort Claims Act, each party to this Agreement shall indemnify, defend, save, and hold harmless the other party and its officers, employees and agents from and against all claims, actions, liabilities, damages, losses, or expenses, arising from actions derived for the purpose of this agreement:

Failure or refusal of one party to perform or fulfill its responsibilities under this Contract or any law, through no fault of the other party. The obligations or rights under this section may not be delegated or assigned without the express consent of the other parties.

The obligations contained in this section shall survive the termination of this Agreement.
5. Entire Agreement. This Agreement signed by all parties **is the parties' final and** entire Agreement and supersedes all prior and contemporaneous oral or written communications between the parties, their agent and representatives. There are no representations, promises, terms, conditions or obligations other than those contained herein.
6. Venue. Resolution of any disputes arising out of the performance of this contract shall be maintained in the Circuit Court of Linn County and/or Benton County as a last resort.
7. Intent. The intent of this Agreement is to cooperatively create a working relationship that will be mutually beneficial.

IN WITNESS WHEREOF, the CITIES by resolution duly adopted by its respective CITIES Council cause this agreement to be signed by its Mayor and attested by the CITIES Recorder, all on the day and year first above written.

[Signature Pages to be added individually
to the agreement upon execution.]

Introduction

Linn and Benton Counties are the heart of the southern part of Oregon's Willamette Valley, stretching east and west from the top of the Cascades to the top of the Coast Range. It is a region with long Native American history and heritage, and the history of pioneers from the eastern United States traveling on the Oregon Trail to reach this land which was and is rich in natural resources and opportunity. The two counties historically have been central to Oregon's agriculture and timber economies. This has included not only raising and harvesting crops and timber, it has included industries for processing, packaging, and shipping finished timber and agriculture products. These industries historically have been the foundation of employment, culture, and society in the two counties.

But, the economic foundation of the region was greatly shaken with the significant reduction of timber harvesting starting in the early 1980's. This eliminated jobs in the woods, jobs in the mills, and jobs in the supporting business community. It created a stagnant and diminishing population and economic base in the cities in the region, especially the smaller cities.

Agriculture remained strong, but the nature of the agriculture industry changed with growing commoditization, technology impacts, and global trade.

During the last two decades, high-technology businesses have located in the region bringing new dimensions to the economy with new employment, capital investment, and assessed valuation. The bulk of the high-tech growth has been in the large cities in the region, specifically Corvallis and Albany. However, the promise of becoming a high-tech hub was tempered with the Hewlett-Packard facility in Corvallis starting strong with employment to major reductions in jobs over time. This is a symptom of the global market and changing technologies encouraging large corporate businesses to rethink their systems, processes, and locations.

Competitive advantage is key to attracting and retaining businesses such as HP, and just as critical in attracting and retaining businesses and investment of all sizes and in all locations.

Starting with the "Rural Linn County Economic Development Proposal" created by leaders from rural cities in Linn County in 2015, leaders from several rural Linn communities continued to meet to discuss economic development strategies for the region. In the fall of 2017, eight cities from rural Linn and Benton Counties applied for a Rural Opportunities Initiative Grant through Business Oregon to partner with RAIN to bring a Venture Catalyst to the region to work with local entrepreneurs. These cities seek to continue the intra-city effort to create efficient and effective structures for furthering the economic objectives of the region beyond the Rural Opportunities Initiative grant and the work done through RAIN.

The initial eight-city collaborative consists of Sweet Home, Lebanon, Brownsville, Halsey, Harrisburg, Monroe, Adair Village, and Philomath. Together they take the name "Mid-Valley Partnership, or MVP. This Strategic Action Plan is the framework for the cities to work together to accomplish common economic goals and respond to common economic opportunities.

The eight-city initial collaborative reviewed the Rural Linn County Economic Development proposal created in 2016. This strategy document is based on that work, seeking to update and expand its scope to meet needs of the broader Linn-Benton region beyond the RAIN project.

Assessment of the Environment, Opportunity, and Needs

- Economic growth is happening throughout Oregon with historically high employment rates, high business investment, high levels of export, and high revenue and profit. However, this growth is primarily happening in larger cities which have the capacity to attract and support this level of economic development. Oregon's rural communities continue to not share this high level of economic prosperity.
- In the Linn-Benton region, Corvallis and Albany have great capacity for supporting economic development in dedicated city staff and active economic development organizations. This capacity allows these larger cities to effectively respond to queries from potential businesses and investors, to respond to Business Oregon and other organizations when they disseminate requests for information on behalf of potential businesses, and to facilitate the siting, development, operation, and growth of new businesses.
- None of the cities in this partnership have the same capacity to participate in these high-level economic development activities. There is no framework to cooperate with or even complement the efforts of Albany and Corvallis in attracting new business investment into the region. The smaller communities get left behind.
- There is significant opportunity for bringing economic investment to the eight cities in the partnership if the cities understand how to position and leverage their individual and joint assets, and how to respond to opportunities.

The best opportunity for economic investment in these communities may lie in working collaboratively, recognizing several things:

- The economic, housing, and services markets no longer focus on individual communities, but instead on systems tying together regions with multiple communities.
- Smaller cities can now compete with any larger city as a location for business investment due to the advent and growing availability of high-speed and high-capacity internet connections.
- Smaller cities have the competitive advantage of small-town livability.
- Each of the partners has assets and opportunities unique to themselves, but potentially stronger when tied together and leveraged.

This strategy is a commitment by each of the cities to work toward a partnership agreement to act as a coordinated economic development entity to accomplish three primary goals:

- To develop a coordinated story about the assets and opportunities available in each of the partner cities, and in the network of the cities working together.
- To research, identify, and pursue economic opportunities created by looking at the partner cities and region as a single economic, housing, and services system.

- To be able to respond to requests for information, invitations to respond to opportunities, create and implement regional economic development strategies, and advocacy for the region's interests.

Assets to Promote and Leverage

The managers and administrators of the Mid-Valley Prosperity Partnership met in August 2019 to build the foundation for the update of prior strategic planning. In that meeting, the leaders identified several assets of the region that create significant economic opportunity. These are in addition to assets identified in earlier work. These are:

- Higher Education – Two major research universities and one technology focused community college are in the immediate region. This presents great opportunity for using land and resources in the eight cities to help the education institutions pursue and expand their research and development programs.
- Traded Sector – While agriculture and timber economies were historically based on growing and harvesting, the expectation in today's economic world is traded sector where the raw materials created by farm and forest activities are processed locally in manufacturing, food processing, and creation of finished products and distribution of those products globally. The cities each have land and resources to expand traded sector businesses.
- Agriculture Businesses – The Willamette Valley, along with all of Oregon, is marked by family farms rather than large scale corporate farming. These farms compete well relying on the power of co-ops to create competitive abilities. However, these systems can be fragile. Strengthening family farms by creating traded sector vertical integration is highly important to the future. As well, providing farmers with additional income streams to diversify their business models will help preserve the family farm foundation of the region. These additional income streams may include produce and meat sales on-site, restaurant services on-site, farm-stays, and other activities.
- Telecommuters and Home-Based Businesses – With the advent of high-speed internet access to all communities, the opportunity exists to attract telecommuters and homebased businesses that can operate completely remotely. These foot-loose entrepreneurs may find livability opportunities in the eight cities where they can operate and succeed on a global scale to be highly attractive.
- Micro-businesses – Generally cannot afford the startup costs necessary in a larger city. The eight cities can provide incubator and micro-business support infrastructure, possible in conduction with the higher institution institutions, and likely at lower costs.
- Available Infrastructure – The Mid-Valley is poised for economic success for many reasons including extensive infrastructure. Not only is the area laced with surface trucking and automobile links including I-5 and several major highways, it has two major rail lines, pipelines, and a regional and several general aviation airports. Each of the cities has sewer, water, and storm systems with capacity to meet development needs. Broadband internet services are widely available. Energy including natural gas and electricity are available at

highly competitive rates. Now under development is a very large containerized freight transfer facility linking trucking to rail amplifying the efficiency of freight movement in the mid-Willamette Valley.

- Physical Alignment – The cities are close together and aligned on a general east/west axis across the Valley. They are connected by state highways. The I-5 corridor is crossed by similar city alignments east and west of Salem and east and west of Eugene. The fact these alignments to the north and south are anchored by large cities gives those aligned regions greater economic opportunity. The Linn-Benton aligned cities have not rallied in the past around common interests and opportunities but have great potential to thrive if the east/west physical alignment is amplified by an east/west economic alignment especially recognizing the north/south links offered by I-5 including easy access to commercial aviation at Mahlon Sweet Field in Eugene.
- Affordability and Ease of Development – The rural communities have more streamlined and less extensive codes than the surrounding larger cities coupled with a “How can we get to yes?” attitude. Land and development costs and fees are generally less than in larger communities. The communities support economic development and, working together, can be a formidable competitor for investment in retention, expansion, and creation of businesses.

Strategy

1. [Establish a rural-focused primary point of contact collaborating with all existing services and organizations to align, focus, and leverage resources and connect entrepreneurs to resources](#)

Existing, relocating, or start-up businesses can all benefit from assistance to successfully implement their growth strategies. A plethora of services and support organizations currently exist at state and local levels to help, but it is difficult for owners of businesses of any size to easily tap into these critical resources. By creating an entity to focus on these rural Linn County interests and represent them to other organizations, the Partnership will ensure those resources are better aligned, leveraged, and accessed in our communities.

As a result of fostering collaboration and helping align and focus resources for the eight rural cities:

- The Partnership will collect, catalog, and share relevant information, organizations, and services, and will help enable businesses to access and utilize needed resources. This will include an asset map to discover and understand the potential available in the region.
- The services to be cataloged shall be broad based including workforce development, finance, small business management assistance, and other important resources to help businesses succeed.
- By connecting existing and potential businesses to these resources, the Partnership will facilitate economic growth and employment opportunities.
- Where resources do not exist, or are not at the needed scale, MVP will identify those needs and work to see they are addressed.

- MVP will be a voice for businesses in rural Linn and Benton counties when working with regional, state, and global entities.
- MVP will plan for realizing the economic potential of the region looking for those places to connect needs and opportunities.

Outcomes

- A complete inventory of local land use and zoning laws and mapping with the means to keep it updated.
- A complete and constantly updated database of land and buildings available for new business development.
- A catalog of business services including banks, accounting, legal, commercial real estate firms, and other professional services available to business owners and entrepreneurs, as well as the government service of Business Oregon, Worksource Oregon, the Small Business Administration, and other economic development organizations.
- Assistance in knowledge of, understanding, and navigating state, county, and local rules and regulations.
- MVP becomes a behind-the-scenes partner helping new or existing businesses make the decisions to locate or expand locally and to increase their success.
- A recognizable organization and regional point of contact to provide advocacy and leadership in regional economic development efforts, serving as a credible entity to work with businesses, the Regional Solutions Team, other state and federal agencies, institutions of higher education, and the Legislature and Congress. Advocacy through the Cascade West Council of Governments and the League of Oregon Cities is currently underway.

2. Connect new entrepreneurs with learning opportunities and start-up support.

A prominent commercial real estate broker recently commented, “I see lots of potential entrepreneurs with great ideas and nothing else.” The “nothing else” these potential businesses lack is financial support for initial purchases, technical assistance, management support, legal training and support, and market research.

- MVP will use its developed network of existing contacts, organizations, and services to assist current and emerging entrepreneurs with accessing the tools and resources they need to bring their ideas to fruition. For example, understanding market rents for vacant storefronts in various communities, guidance or help in developing business plans, or referrals for legal and professional advice on organizational structures and business practices.

Outcomes

- MVP is employing a rural business accelerator approach using the business incubator model developed by RAIN and services such as those provided by Senior Corps of Retired Executives (SCORE).

- The entrepreneur development work is critical to the region and the partnership will continue to sponsor and carry out this work and the program's recommendations.

3. Help link existing and potential employers with a skilled and trained workforce

A reliable source of trained people is critical to attracting new business and retaining existing businesses. Educational programs are underway through other organizations in the county to develop basic work skills. Linn Benton Community College, the City of Albany, Linn County and several local high schools have various programs to assist people of all ages to upgrade their skills, thus enhancing their employability. Worksource Oregon provides extensive information on training and employment opportunities. In addition, employers frequently have job specific training programs. However, existing employers also have made clear the need for basic or soft skills, i.e. timeliness, personal reliability, grooming.

- MVP will support the efforts of all these trainers to produce a skilled workforce to meet current and future needs.
- MVP will cooperate with Worksource Oregon and local workforce development entities to identify needs, opportunities, and systems for creating a larger and better prepared workforce.
- MVP will include training and employment information in both its asset mapping and its publicly available information database.
- MVP will advocate as needed for rural training programs matching the needs of existing and potential rural employers.

Outcomes

- Businesses are matched with trained workforce.
- Businesses are attracted to the region due to an existing, skilled workforce.

4. Advocate for the rural communities and the goals of this partnership for improved market conditions, and improved legislative, regulatory, or government laws, policies, and programs, particularly those directed at workforce readiness and development.

Rural areas generally lack a voice or a seat at the negotiating table. They may not be aware of government programs funding or facilitating economic development efforts, or may lack the capacity to access them. Having a voice, particularly one connected to existing economic development service organizations, is critical to participating in these efforts. Further, ensuring small, rural oriented employers can be heard when legislative or regulatory changes are proposed is also important in maintaining employment and job growth.

- MVP will work with state, county and local governments to ensure regulations and legislation are designed to stimulate rather than stifle local rural business growth including land use regulations, local fees and charges, building permit processes, and civil engineering requirements.

- MVP will work to simplify this task by developing knowledge and contacts within existing organizations.
- Oregon Cascade West Council of Governments is a regional resource for community and economic development efforts. MVP will work with OCWCOG to help leverage economic development programs and services. Oregon Cascade West Council of Governments also provides an advocacy platform to advance policy recommendations to better equip rural settings for economic development. Creating effective relationships with State officials is crucial for effective State involvement.

Action Plan

In order to pursue and accomplish the four goals of the Mid-Valley Partnership, a common structure for working together and getting things done is critical to create. It is evident a formal agreement must be created to establish a formal entity to carry out this work. This entity needs to be funded, housed, and staffed appropriately to meet these needs:

- Facilitate and lead the ongoing work of the partnership.
- Staff resources to pursue the four goals above working with the leaders of the Partnership to set priorities for specific actions and a detailed work plan to achieve them.
- Continue to plan and pursue a detailed and specific economic strategy based on what the partner cities can accomplish working together leveraging the resources and assets of the region.
- Seek outside funding when appropriate to support the work.
- Develop the materials, narrative, and story to be universally used by the Partnership to effectively communicate what is needed to have an entrepreneur understand the assets, resources, and opportunities of the partner communities both individually and together.
- Serve as the primary point of contact for inquiries from Oregon agencies, other economic development organizations, local governments, and existing and potential business entities.

To create this entity, a joint effort and structure will be created by an Intergovernmental Agreement between the partner cities. As the joint effort finds success, the structure of the entity might need to change, but is determined to be appropriate at this time to use an IGA to create agreement on the structure and direction of the economic development entity, to create a system of governance, and to create the financial structure defining each city's contribution.

It is also determined the initial organization needs to be streamlined and focused on creating the required structure and achieving the initial identified goals.

The Intergovernmental Agreement will be drafted with these elements:

- Operational Group to Pursue the Outcomes and Strategies of this Plan
 - ▶ The City Manager or Administrator from each city.
 - ▶ Other staff as needed.

- Administration
 - ▶ The Cities of Lebanon and Sweet Home will jointly be the conveners and managers of the logistics and records of the meetings and activities.
 - ▶ The City of Lebanon will be the fiscal agent for the new entity.
 - ▶ The Operational Group will determine the need for staff and capital resources to carry out the work of the new entity after the first year.
- Finance
 - ▶ The existing working group will determine the needed structure of staffing and resources to carry out the first year of the regional entity. This to be reflected in the IGA.
 - ▶ The existing working group will determine the needed budget to carry out the first year of the regional entity with this to be reflected in the IGA.
 - ▶ The existing working group will determine the contribution needed from each of the partner cities, proportioned in an equitable manner. This will be incorporated into the IGA.

Next Steps

ACTION	RESPONSIBILITY	TIMEFRAME
Draft the Intergovernmental Agreement (IGA)	Subcommittee	Completed by November 1 st , 2019
Develop a presentation summarizing this Plan to be presented to the City Councils of the eight cities with the recommendation to approve the IGA. The presentations will be made by members of the working group including the city managers and administrators.	Subcommittee to develop presentation	Ready to use by November 15 th , 2019
Enter into a three-year IGA based on the Goals, Outcomes, and structure outlined above	Advocacy and Council support by each City Manager and Administrator	Target for IGA approval is December 31 st , 2019
Deliver the presentation to other cities as requested with an invitation to consider joining the partnership	Entire Group	As requested
Define the Scope of Work and Staffing Needs to carry out the Plan	Operation Committee	March 2020
Develop a financial plan for on-going operations to submit as part of each City's 20-21 and subsequent budget processes	Operations Committee	March 2020 and subsequent years
Revise this strategy as needed and update the IGA	Operation committee	Completed within three years of adoption of the initial IGA.

EXHIBIT 'B'

Deliverables

(Projected over the life of the agreement)

Marketing

- ★ The creation of a professional logo.
- ★ Branding: packaging the story of the region for the general public; specifically geared to the clientele the collective is attempting to attract and retain.
- ★ The creation of a professional website.

Asset Mapping

- ★ Develop a comprehensive list of resources to meet the purpose of this partnership including but not limited to:
 - The State of Oregon
 - Non-profit
 - Financial Resources
 - Angel Investors
 - Market Sectors
 - Higher Education Assets
 - Rural Advantages
 - Natural Aspects
 - Amenities
- ★ Oregon Prospector
 - Populate available property with uniformity.
 - Devote resources to maintain this important data base.
 - Identify all relevant information.

Contract Management & Personnel

- ★ Determine how to accomplish necessary objectives.
 - Create work requirements
 - Develop budgetary needs.
 - Agree to means of execution.

- ★ RAIN Entrepreneurship
 - Continue to monitor efforts.
 - Ensure objectives are met per State agreements and obligations.
- ★ Personnel
 - Discuss advantages of hiring personnel.
 - Identify the capacities of existing personnel.
 - Determine housing and equipment needs.

Agenda Item 7



CITY MANAGER'S REPORT

Reporting period: October 2019

I. A. ADMINISTRATION – Ron Whitlatch, Interim City Manager

- Prep for City Attorney evaluation.
- Continue to move forward the City Manager Recruitment.
- Continue to work with Consultant to finalize Facilities Master Plan.
- Met with all Department Directors on October 8th.
- The Communications, Event and Project Coordinator worked on several projects this month: Sat in on and participated in multiple meetings/video conferencing for the Municode Meeting software project. Worked with Mayor Aziz, Lebanon time capsule committee and the Maintenance Department to finish planning and coordinate the October 17th Founders Day event. Created/ordered cards and gifts for all employees for Thanksgiving. Created/ordered cards, gifts and finalized details for the December 5th Employee Appreciation event. Continued to work with the Transportation Director and No Dinx to complete the LINX graphics update to all City buses, update the LINX brochure/map and LINX schedule cards. Wrote press releases for several departments. Created social media events for monthly Library and Senior Center events and add information to the City's website. Proofed numerous documents for various departments. Met with the Lebanon Downtown Association (LDA) manager to discuss a possible future project to partner in from the Lebanon 2040 Strategic Action Plan. Completed purchasing for the Christmas on Main Street project. Worked with the Human Resource Director to update/reconfigure the HR pages to move all open enrollment documents and information to the City's Intranet. Continued to work with Facebook to resolve an issue with the Lebanon Police Department's social media page. Began working with the City's Economic Development Catalyst to create a Lebanon Business Recruitment Packet. Prep for the November 5th Lebanon Arts Commission meeting. Shared information with the public and interested parties for the following Lebanon Arts Commission projects; Manhole Cover Contest and Strawberry Plaza's Art Board Program.

B. HUMAN RESOURCES

- **Employee Recruitment:**
 - Library Assistant II (internal posting)
 - Position filled. A part time employee applied and accepted the position.
 - This left a vacant part time position open. An on-call employee was accepted into this position.
 - This left a vacant on-call position open.
 - Library Assistant I On-Call (external posting)
 - Position is active and closes November 6th.
 - Accountant (external posting)
 - Position is active and closes November 4th.
- **Resignations/Retirements/New Hires:**
 - Danika Couts is a new Dispatcher/Receptionist for the Senior Center started 9/24/19.
 - Angela Solesbee – new HR Director started 9/30/19.
 - Jamie Oakeson – Library Assistant II resigned.
 - Emma Fish – Accepted Library Assistant II position vacated by Jamie Oakeson.
 - Danielle Herb – Accepted part-time Library Assistant I position vacated by Emma Fish.
 - Kyle Tucker – Police Officer (still in academy) resigned.

THE CITY THAT FRIENDLINESS BUILT

- **Safety/Wellness Committee:**
 - The Safety Short for the month of October covered cold weather safety.
 - The Safety Committee has begun discussions on moving the annual benefit and wellness fair, normally scheduled in February, to September or October and transferring this responsibility to HR. This will open an opportunity for the Safety Committee for a different type of event in the Feb/March time frame. Committee is still in conversation about what that event might be.
- **Benefits:**
 - Open Enrollment for Life Insurance closed on 10/18/19. Confirmation statements have been sent out.
 - Open Enrollment for core benefits (medical, dental, vision) will be combined with open enrolment for FSA and Dependent Care accounts this year. OE will be from 11/18 – 12/6/19.
 - Analysis of current processes is underway. Recommendations for changes/improvements will be prepared for City Manager by 19-20 fiscal year end.
- **Pay Equity Analysis**
 - A comprehensive pay equity analysis will be conducted in partnership with HR Answers (currently assisting LPGI due to staffing deficit). Analysis and recommendations will be conducted and prepared for City Manager by 19-20 fiscal year end.
- **Training and Development**
 - Analysis underway regarding what training resources are currently available to the city.
 - Researching and compiling a comprehensive training and development plan to facilitate mandatory compliance related training, employee development opportunities, and succession planning. Projected completion and recommendations to City Manager by 19-20 fiscal year end.

II. LEGISLATIVE / CITY CLERK – Kim Scheafer, MMC, City Clerk

- **City Council Advisory Committees: Planning Commission** - Two applicants for the Planning Commission withdrew their applications. The one remaining applicant was interviewed and will be appointed at the November 13 City Council Meeting. There is one alternate position still open. **Library** – There is one vacancy on the Library Board.
- **City Council Meetings:** The next City Council meeting is scheduled for December 11.
- **Miscellaneous:**
 - Kim Scheafer attended the Chamber Leadership Class on October 7 and the Chamber monthly luncheon on October 25.
 - Kim Scheafer and Donna Trippett participated in two webinars with Municode in preparation for the installation of Municode Meetings which will streamline City Council Agenda and Packet preparation.
 - Kim Scheafer and Donna Trippett participated in a webinar with the State of Oregon Archives Division regarding the Oregon Records Management System (ORMS).
- **Public Records Requests:** Three public records requests were completed since the last City Council Packet was published. In addition, the City Attorney released a report to three news agencies whose previous request had been denied.
- **Temporary Liquor Licenses:** No temporary liquor license applications were received since the last Council packet was published.

III. COMMUNITY DEVELOPMENT – Kelly Hart, Director

- A. **Planning:**
 - The Commission met on October 16th to consider three applications:
 - A Conditional Use Permit to allow for the re-establishment of a commercial business within a residential zoning district for the property located at 235 S. Main Street. The Planning Commission unanimously voted to approve the Conditional Use Permit.

- A Proposed Amendment to the Development Code to include regulations for Food Pods. The Planning Commission unanimously made a recommendation that the City Council approve the amendment, with minor modifications to the original approval.
- Annexation, Comprehensive Plan Map Amendment and Administrative Review for the annexation of a property on Hansard Ave., south of Reeves Parkway and changing the comprehensive plan designation from Industrial to Mixed Use to allow for the development of a 102-unit apartment complex. The Planning Commission continued the public hearing on this application at the request of the applicant to the December meeting.
- The November Planning Commission meeting does not have any items on the agenda. The next Planning Commission meeting will be held on December 18, 2019.
- In October, staff approved an Administrative Review for a an 18 unit apartment complex on Wassom Street, a Land Partition on Mullins Drive, a Property Line Adjustment on Industrial Way, and a Land Partition on North Santiam Highway. There are currently two development applications currently being processed within the Planning Division.
- Three DRT meetings was held to discuss an industrial development opportunity, two commercial development opportunities, and a residential development opportunity.
- On October 24-25, Director Hart attended the Oregon Chapter American Planning Association annual conference in Eugene. Conference topics ranged from revitalizing riverfront commercial viability to the future of planning, and rural development code update process with community participation.
- Staff is drafting an Ordinance to clarify Chapter 2.24 (Planning Commission) of the Lebanon Municipal Code to clarify the quorum requirements and clean up some inconsistent language. This Ordinance will be presented at the November City Council Meeting.
- Staff is working on compiling the education materials for posting on the City's website. The goal is for this to be completed within approximately one month.
- Staff is also working on an ordinance to streamline public noticing requirements to be consistent with State laws and reduce costs and staff time associated with the noticing process. This Ordinance will be presented to the Planning Commission in December, and the City Council in January.

B. Building:

- The city processed 37 permits in September. Total fees received were \$8,599.97 and valuation of construction was \$445,023.60. By comparison, in September 2018, 46 permits were processed. Total fees received were \$32,274.98 and valuation of construction was \$2,773,081.00.

C. Economic Development:

- The Economic Development Catalyst attended the monthly Regional Economic Development Practitioners luncheon, Lebanon Downtown Association (LDA) Board meeting, LDA Economic Vitality Meeting, LDA Design Meeting, Lebanon Museum Foundation Board Meeting, Rotary and Optimists.
- Oregon Main Street Excellence in Downtown Main Street Awards: Attended the awards ceremony in Tillamook. The City of Lebanon was recognized as the Partner of the Year for the state of Oregon for their collaborative efforts to support the downtown revitalization efforts through additional funding of the Main Street Manager position, the downtown tree and lighting project, as well as the Downtown Building Restoration program. The other awards won were for Board Member of the Year (Dala Johnson), Best Historic Design Education Project (Tremel's Jewelry Transom window restoration project), and Business of the Year (Conversion Brewing).
- Business Visitation Program Initiative: The Economic Development Catalyst with the Community Development Director have initiated weekly business visits to further the economic development retention goal for the City. Visits occurred with Western University of Health Science (also attended by Interim City Manager Ron Whittlatch) and Rick Franklin Railroad. Western University discussed the plans for the Physical Therapy and Occupational Therapy programs that will be coming to Lebanon. Rick Franklin discussed his impact to the railroad since he acquired it in 2007 as well as his other endeavors in servicing railroad tracks in Washington, Oregon, and Idaho.
- Linn-Benton Collaborative 8 Cities group: The Economic Development Catalyst with the Community Development Director attended two strategic planning meetings to further narrow the goals and objectives of the strategic action plan and to discuss an intergovernmental agreement. The meetings also discussed the opportunity to apply for the next grant cycle for the Rural Opportunity Initiative grant through Business Oregon.

THE CITY THAT FRIENDLINESS BUILT

- Oregon Economic Development Association (OEDA) Annual Conference: The Economic Development Catalyst attended the OEDA annual conference in Salem. Attended sessions on Agricultural Innovation, Governor's Marketplace (inclusive and equitable state contracting), Non-Traditional Workforce Strategies and Programs, and Enterprise zones and the changing ROI and heard updates from Travel Oregon, Governor Kate Brown, Business Oregon, and a Legislative update and look forward to the 2020 session.
- The Economic Development Catalyst's main priority is drafting the Lebanon recruitment packet, collaborating and engaging with local cities and resources to secure funding (ROI grant) and to further business retention through meeting with more businesses.

IV. ENGINEERING SERVICES – Ron Whitlatch, Director

- Construction of the New Water Treatment Plant (WTP) is complete. The Operations Staff at the WTP are continuing to produce water while working through the challenges of starting up a new water plant. During the month of October, H2O Innovations (membrane supplier) has been on-site replacing multiple valves within the water plant. The valves being replaced were incorrectly installed during construction. This work is all being done under warranty at no cost to the City. There will be several projects that will occur in the FY 19/20 for items that were removed from the original scope.
- Pacific Excavation will begin construction on the A Street Sanitary Sewer Replacement Project. This project is expected to be complete in December. Staff will be adding (by change order) an additional small sewer extension. This will be in the alley between Park and Main Street on Ash Street. Currently there are six residents/Businesses sharing a 4-inch lateral. A main extension from the alley to the west will allow all parties to have separate laterals and eliminate the backups that are occurring.
- Staff is continuing to work with Build Lebanon Trails on multiple projects. North Santiam Paving in conjunction with City Crews will be constructing the trail from Cheadle Lake Boat ramp to Mountain River Drive. Rick Franklin Corporation installed the two bridges necessary for the trail on August 27th. City Crews have completed a majority of the aggregate base for the trail and North Santiam Paving will be surfacing the trail and installing signage for the trail. The crossing of River Road at the trail will have a Pedestrian Activated Flashing Beacon for safety.
- The Pedestrian Activated Crosswalk light at the intersection of Fifth Street and Tangent Street is complete. The project was funded 100% by ODOT. After inspection, ODOT is requesting some minor concrete repairs be done prior to releasing final payment to the City. These repairs have taken place and are waiting ODOT final inspection.
- The remaining covered shelter, for Porter Park will be completed this/fall. The playground will likely be installed next spring which is the last item for completion of the Park.
- David Evans and Associates is under contract with the City to update the existing Westside Interceptor (sanitary sewer) model. The preliminary report shows that the Existing Westside Interceptor is at or above capacity during 5-year storm events. The last model update was done 10 years ago and showed that the existing pipe was at capacity. Staff will be continuing to collect flow data this fall and winter to help refine the model. It is likely the final report will not be complete until Spring 2020. City crews are actively videoing the sewer this fall in an effort to find infiltration and inflow area that can be repaired to help ease the capacity issue.
- The next phase of the Westside Interceptor Project is currently being designed by Udell Engineering. Staff has submitted an Application for funding the next phase (\$14 million) to DEQ and will be meeting with them to discuss the process moving forward. If the City is successful, an RFP for a CM/GC Contract to complete the work will follow. The goal of this phase will be to extend the WSI as far south as the funding will allow (Crowfoot Road and South Main Road). Staff will also be aggressively seeking ways to correct the I&I issue in the existing system. This will include small projects to repair pipes, manholes and laterals.
- Staff will be presenting the next five-year CIP Plan to the City council for approval at the November City Council Meeting.
- Staff has been working on our required TMDL update to DEQ. There will likely be several new storm drainage ordinances brought to City Council for review over the next 12 to 18 months.
- Staff is currently working on a Road Inventory/Condition Survey for all of the streets within City Limits. The data will be used to determine future street maintenance needs. This project will likely take multiple months to complete.

- Roe Concrete has completed the sidewalk access ramps on Grove Street. They are also replacing access ramps on Park Drive as City crews complete all of the excavation. These are being done in conjunction with the street overlay that was performed on Park Drive this summer.
- Staff is updating the City Standard Drawings and Supplemental Specifications. They currently have not been revised since 2008. The updates will be brought to the City Council for approval as time allows.
- Staff is currently designing a waterline replacement for Seventh Street (Oak to 'F'). This section of waterline has had multiple repairs done to it over the last several years. If funding allows, the project will likely go out for bids in spring 2020.
- Staff will be working with David Evans and associate over the next 18 months to update the City's Drainage Master Plan. The existing Drainage Master Plan was done in 1989.
- Engineering Staff is currently working on several small projects which include a storm line extension on Ash Street, waterline replacement on Sherman Street, permitting for the fire pond on Industrial Way, minor half street improvement on Ash Street, and a minor half street improvement on Wassom Street.
- Staff will bring a proposal to the November City Council Meeting to expand the School Zone around Pioneer School to include a portion of Reeves parkway. We have had multiple complaints of speeding and not stopping at the crosswalk for pedestrians.
- Lebanon Staff will be meeting with representatives from the City of Albany to discuss property acquisition for future trails projects. Currently, the City of Albany owns parcels adjacent to River Park and East olive Street that would be locations for future trails.
- 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) Permits have been issued and construction of building is underway. Utility crossings on N Main have been completed.
- Stutzman Residential Project plans have been approved for a 5-plex off Second Street. Site work is expected to start soon.
- Mill Race Multi Use building planning plans have been revised and under review.
- Mill Race Self Storage with Managers quarters site plans have been approved, permits issued and construction is almost complete. Temporary occupancy issued for the storage only.
- Mill Race Apartments Complex Phase I- site plans have been approved, building permits have been issued construction to start soon.
- Site plan for Miller's Auto Repair have been approved site work to begin soon.
- Entek building expansion site plans have been stamped approved, site work construction underway.
- Quail Meadows Subdivision 10th/12th street, excavation for subgrade and utilities are in process.
- Paventy & Brown Orthodontics new building site plans have been approved. Site work on new building to begin any time.
- River Place at the Lakeside subdivision plans have been approved, construction postponed until spring 2020.
- Site plan for Hall Duplexes off Oak Street have been reviewed, engineering working on revisions.
- First Baptist Church parking lot expansion plans have been approved, construction in progress.
- Oregon State Credit Union parking lot expansion plans have been approved, construction complete.
- Riverside Banks Subdivision (Milton & Williams St) plans have been stamped, public improvement permits to be issued and contractor to start excavation soon.
- Garden View Apartments plans have been stamped approved construction in process.
- Half Street improvements and utilities extension for 7th street have been approved, construction complete, final walk through and acceptance in process. Site plans for each home in progress.
- River Trail Place Subdivision on River Road construction in process.
- Wassom Half Street improvement plans have been stamped approved, permit issued and construction in process.
- N 5th apartments plans have been stamped approved, construction to start soon.
- Water main extension for Franklin Street for single family home approved and permit to be issued.
- Gerig warehouse and water line extension plans have been approved construction to begin soon.
- Cam Multi-family 10th & Leonard plans have been received and under review.

THE CITY THAT FRIENDLINESS BUILT

V. **FINANCE SERVICES** – Matt Apken, Finance Director

- **Accounts Payable**
 - FY19/20 payments made in October 2019; 394 invoices were processed for payments of \$1,073,999.
- **Utility Billing for September 2019:**
 - 6,064 Billing statements mailed by the end of October = \$979,216
 - Active accounts: 6295
 - 788 Accounts received a penalty (past due 10/22/19).
 - 244 lien letters mailed to property owners.
 - 261 Pre-lock off IVR calls sent out (10/11/19)
 - 64 accounts were locked off for non-payment on 10/16/19 for bills due 9/15/19.
 - 53 accounts were reconnected the same week. 0 Pre-lock off door hanger for multi-family accounts and it paid in full.
 - 2 accounts called for after-hours reconnect.
 - Updated school enrollment figures for school sewer accounts.
 - Total of 443 Service orders: 44 read request, 64 Lock offs, 3 Turn offs, 34 Turn on, 63 Move Outs, 81 Move ins, 69 reconnects, 13 Returned Mail, 14 Leak Checks, 3 Pressure Test, 21 Meter Change out, 10 New Meter Installations, 0 Quality Checks, 8 Door Hangers, 1 Dead meters, 15 misc. other.

	Oct 18	Nov 18	Dec 18	Jan 19	Feb 19	Mar 19	Apr 19	May 19	June 19	July 19	Aug 19	Sept 19	Oct 19
Billing Statement	6,006	5,996	5,992	5,997	5,974	6,005	6,012	6,003	6,033	6,045	6,039	6,052	6,064
Penalty applied	927	1,146	893	946	1,106	1,081	671	1,003	1,280	918	1,175	1,185	788
Lock Offs	44	68	62	56	48	55	49	59	58	97	48	72	64

VI. **INFORMATION TECHNOLOGY SERVICES** – Brent Hurst, Director

- The biggest time commitment for the IT Department this month has been work for the new Police CAD upgrade.
- Upgraded Police to Windows 10 and solid-state hard drives department wide.
- Installed and configured Wireless All in One Printer for Santiam Travel Station Council chambers.
- Purchased large screen TV and wall mount for use in Santiam Travel Station.
- Purchased iPads and cases for use with City Councilors.
- Purchased Municode's Agenda Meeting solution to digitize meetings and votes for City Council meetings and agendas. Participated in initial training sessions with City staff.
- Resolved connectivity issues between the Lebanon Fire Department and the Linn County Sherriff's office and coordinated the resolution with their IT department.
- Work with The Automation Group to coordinate the configuration and installation of new water pressure sensors in the City.
- Created documentation around several applications we use at the City as well as documentation around our virtualization environment.
- Assisted the City's engineering department with the deployment of new raw water data loggers located at strategic points throughout the City.
- Deployed and configured a new Verizon cell service extender in Police building to relieve cell service quality complaints.
- Fuel system and monitor troubleshooting for Fire.
- Addressed Water Treatment Plant remote connection updates and connectivity reliability.
- Updated software for Library book tagging system.
- Updated servers and desktops to latest Windows updates and security patches.

THE CITY THAT FRIENDLINESS BUILT

- Rebuilt new Surface Book for City Planning Director.
- Procure and deploy new copier for City Clerk that will support digitizing documents and converting the documents to searchable text for archival purposes.
- Obtained final quote to move to subscription model for City flyover and mapping in GIS.
- Engaged in quote request from contractor to assist City with publishing public GIS maps.
- Updated Police CAD system GIS and added Safety Responder specific attributes.
- Coordinated Maintenance TV van GIS licensing and configuration to allow footage to be easily tracked on a map.
- Researched report of missing Storm Drain features in GIS from Maintenance staff; reviewed existing as-built data, digitized additional features, created review map and coordinated with Maintenance staff.
- Coordinated web map private and abandoned utility layers being toggled on by default with Maintenance staff.
- Attempted to create large format double-sided Storm Drain and Sanitary Sewer map; coordinated alternative options with Maintenance staff; printed and delivered 2 separate maps to be adjoined later.
- Printed and delivered large format Bus Service boundary map to Senior Center staff and coordinated future updates.
- Reviewed Lebanon map from Linn County GIS staff for accuracy and completeness per request from Linn County GIS staff; coordinated corrections and transfer of Parks and City Limit boundary GIS data.
- Created Power Pole Maintenance point layer from issues report spreadsheet coordinated with utility provider; created review map of power poles needing maintenance and added resource data and configured map elements; exported to pdf and coordinated with Engineering staff.
- Completed 2020 Census Project Feedback Report
- We have addressed multiple other normal break-fix issues, equipment replacements, and maintenance renewals for IT. During the past month, the IT Department closed 387 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 LED conversion project for the library interior has begun.
- We currently have an open recruitment for an on-call staff member. This is not a new position, but the result of staff reconfiguration after the resignation of a full-time employee.
- The Friends of the Lebanon Public Library were awarded a grant from the Siletz Tribal Charitable Contribution Fund in the amount of \$1500. The funds will be used to purchase books to be given out as prizes for the Summer Reading Program.

VIII. MAINTENANCE – Jason Williams, Director

A. Streets:

- Street sweeping continues including sweeping for the City of Halsey and Brownsville.
- Provided road closures for contractors.
- Completed sign maintenance as needed.
- Placed banners at all locations for special events.
- Completed a round of cold mix pothole patching.
- Finished the final round of mowing for the year in the rights of way.
- Constructed the trail segment from the "Bridge to nowhere" tying it in to River Road.
- Helped setup for the Brew Fest.
- Fell all the downtown trees and prepared for replacement.

B. Collections (Sanitary-Storm):

- Assisted the Water crew with many service line repairs.
- Cleaning and televising sanitary and storm sewer continue.
- Repaired failing sewer main on A street.

- Continuing with ditch mowing and cleaning.
- Located sewer lateral connections for contractors.
- Assisted the Waste Water Treatment plant with the Vactor cleaning out the basin.
- Mowed all open ditches and drainage ways.
- Started I and I investigations on the existing westside interceptor. The collections crew has spent the majority of their time with this investigation.

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 continue.
- The crew paved and replaced concrete after new or leaking water services were placed.
- 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.
- Working on the decommissioning of the old water treatment plant. We have many valves unaccounted for as well as valves that are not functioning to fix or eliminate to close off that section of piping.

D. Parks:

- Opened, closed and cleaned parks restroom buildings daily.
- Set up for special events.
- Completed landscaping rounds in all parks and school district properties including two complete weekly rounds 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.
- Trails have all been swept.
- Started repairing and replacing picnic tables as needed.
- Daily vandalism control/repair.
- Completed playground safety inspections.
- Removed all the downtown hanging flower baskets.
- Provided watering service for the Community garden.

IX. POLICE – Frank Stevenson, Chief of Police

- After a 33-year law enforcement career at Lebanon Police Department, Captain Greg Burroughs will be fully retiring. A recruitment will be conducted to fill his position at a full-time status beginning in November, with hopes of filling the vacancy by January. Greg has agreed to stay on and assist with training the new Captain once that candidate has been selected and hired.
- The Patrol Division had approximately 1,667 calls for service this month, made 124 arrests, issued 47 traffic citations and wrote 231 case reports.
- As of October 23rd, 2019, 83 individuals were booked and released, brought to Lebanon Municipal Court or Linn County Court, transported to/from Linn County Jail, or sentenced to the Lebanon Jail. A combined 134 days were served by inmates in the Lebanon jail. Work crew duties were performed this month by two inmates who spent half a day removing paint from a local vacant building.
- Detectives remain busy with involved cases and investigations. They cleared seven cases this month, made three arrests, and wrote/executed one search warrant. A total of 12 new cases were assigned that revolve around sex abuse.

- A Traffic Safety class was conducted for 14 individuals who were first-time offenders for either failure to use their seatbelt or for using their cell phones while driving.
- The Community Services Division remains active with various activities. This month, in addition to assisting with LPD's Cadet program, Peer Court program and Traffic Safety class, the Division spent time attending meetings with CASA, the Lebanon School District and the Boys and Girls Club, and also spent time working on the MYPD phone application that allows citizens to report activities. This month, LPD officers participated in Tip-A-Cop and raised \$1,300 dollars for Special Olympics.
- This past month, one employee resigned his position as a police officer. We were able to use the last recruitment pool to assist in filling this vacancy and have identified one individual who is moving into the background phase of the hiring process.
- We plan to go live with our updated CAD (computer-aided dispatch) and records management software in November. This has been a year-long project and will bring many positive changes to our system.
- We are continuing to work on a project to update our radio system with multi-band radios for the purpose of allowing officers on the road to communicate with Linn County, Oregon State Police and Sweet Home Police. As of now, once officers step out of their vehicles, they cannot communicate with other jurisdictions on their handheld radios. We are in the early stages of looking at grants to help offset the associated costs.
- November is Traffic Safety Month. LPD will be doing specialized patrols and focusing attention on pedestrian crosswalk safety, drunk drivers, speeders, and cell phone violators. The hope is to educate the public as well as address areas of concern.
- LPD's School Resource Officer remains very active. So far this school year, he has taken 103 calls for service and is involved with several committees including Lebanon School District Safety Team, Student Threat Assessment Team, Suicide Awareness Task Force, Boys and Girls Club Safety Team, and Youth Services Team. Our SRO has also conducted several trainings and classes for students within the Lebanon School District.
- We have started an AED program with an eventual goal to put a unit in every patrol car. We currently have four AED units to start, made possible with donated funds from members of the community. With the four AEDs obtained, each patrol team will have access to one unit while on shift.
- LPD's K9 program continues to be a success. This month, more than 135.7g of methamphetamine and 10.3g of heroin were seized because of K9 Taz's ability to detect the drugs during traffic stops. Two individuals were arrested and charged with drug-related offenses. Our K9 officer and Taz were recently certified by The Oregon Police Canine Association as having successfully passed a rigorous testing process to affirm Taz's ability to reliably and consistently demonstrate the ability to locate and alert illegal narcotics, passing with an accuracy rate of 100%. K9 Taz and handler Officer Eric Stein are proving to be a valuable tool to assist in getting illegal drugs off the street.

X. SENIOR SERVICES and LINX – Kindra Oliver, Director

- We have started the expanded service for LINX (Lebanon Inter-Neighborhood eXpress) and things are off to a great start! We're now operating from 7:00 am until 6:00 pm, Monday through Saturday. We're also serving those up to three miles outside the city limits.
- Wednesday, November 6th, 2:00-3:00, join us for our Veterans Reception, a time to honor our veterans and Armed Forces. A presentation by Michael Aaron Commander VFW Post 584 and President LINK UP VETS. Pearl Harbor memories will be shared and the LHS JROTC Color Guard will present colors. There will also be a patriotic lap quilt giveaway. This event is open to veterans, family members, and the grateful public. Refreshments provided.
- Thursday, November 7th, 9:00-10:30, join us for Mind Matters: Skip the Holiday Blues, join Helen Beaman, Older Adult Behavioral Health Specialist/Mental Health Services Coordinator for Linn and Benton County, as we delve into how our expectations impact our emotions and overall experience of the holiday season. Learn how to recognize when our expectations are getting in the way of feeling good, and then identify some signs that you might need a change.
- Thursday, November 21st, noon, join us for our Thanksgiving Banquet, our largest event of the year. We'll be serving roast turkey, savory stuffing, mashed potatoes with gravy, pumpkin pie, and more! Please pick up your complimentary tickets by 11/18, at the Senior Center. The banquet is co-sponsored with our friends from the Oaks,

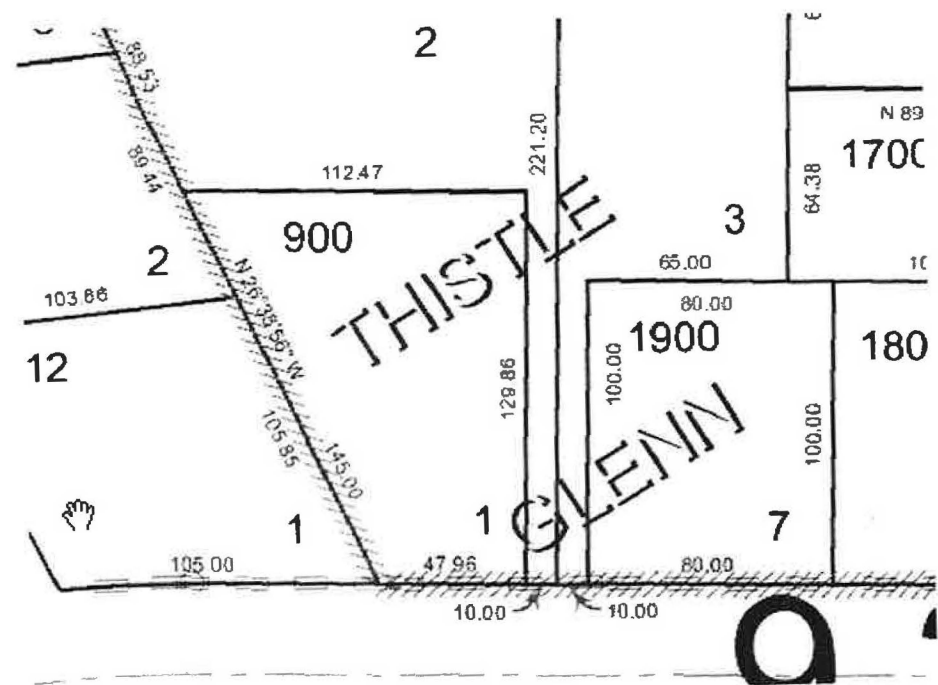
Willamette Manor, Brookdale Heritage Plaza of Albany, Meadowlark Senior Living and Bridgecreek Memory Care. Seating begins at 11:30 am.


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

Items Distributed at Meeting

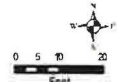
Table of contents

- Page 1 and 2 the original papers handed out.
- Page 3 handed out trip 12 first time driveway mentioned.
- Page 4 front cover of engineered plans
- Page 5 proposed questions page to hand out.
- Page 6 copy of email about why one location can park and my location could not.



Lebanon

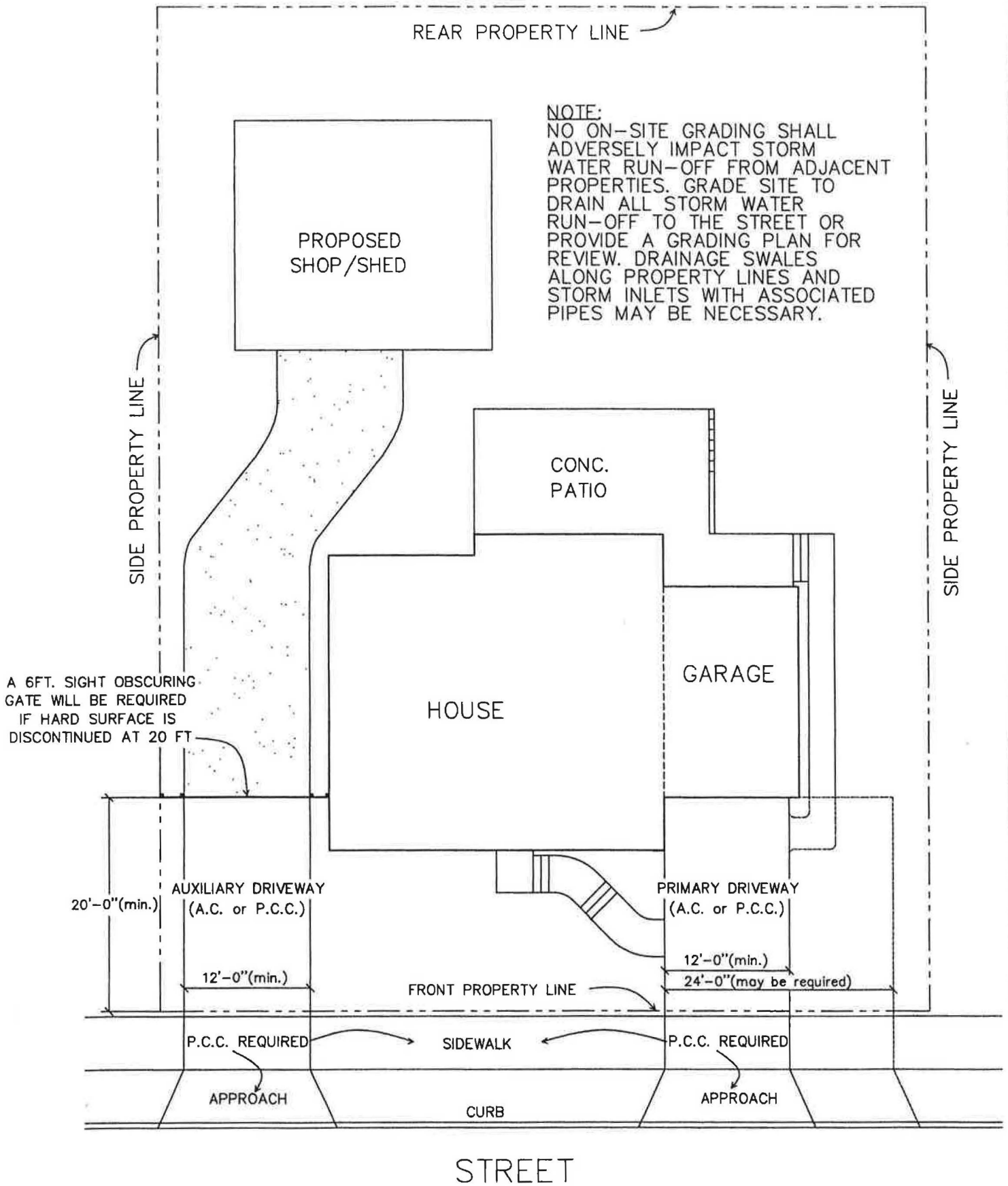


0 5 10 20
Feet

Map of Lebanon water, sewer, and other assets have been derived from aerial photography, satellite imagery, street maps, and other sources. The accuracy of the information is not guaranteed. The user assumes all responsibility for the use of this information. For more information, please visit the City of Lebanon website at www.cityoflebanon.com.



RESIDENTIAL DRIVEWAYS PAVING REQUIREMENTS





South Valley Engineering

4742 Liberty Rd. S #151 • Salem, OR. 97302

Ph. (503) 302-7020 • Fax (888) 535-6341

www.southvalleyengineering.com

Project No.

11906021

Calculations for

Joe Knight

1173 Sherman St

Lebanon, OR. 97355

Date

8/5/2019

Engineer



RENEWS: 6/30/21

Frequently asked questions

- The yellow line on the overhead map is normally the property line.
- If building close to the property line one needs to find the property pin or have your property surveyed to find your property line.
- You should get your plans approved before paying for materials or engineering.
- You need an improved driveway.
- All building codes are available on line.
- Driveway are dealt with in the engineering dept. PHONE #

Send Attach Discard ...

To K khart@ci.lebanon.or.us X

Bcc

Cc KS Kim Scheafer X

Awning



I got your email and sounds like I am once again boxed in due to the neighbors fence. It still looks like the 14x32 with awning is my best of the worst nightmare. so yes 815 has a permit.

My awning has 20 feet from my property line as the car pulls in therefore meeting 20 foot code.

If a car can be parked between the house and the street at one location then how can it not on the other? One pulls in north and south with 20 feet behind to property line and the other east to west with 20 feet to property line is still a car parked between said house and street Both structures are with in code as you provided this option and stated. Can you explain the difference as both car location are 100% on both properties with 20 foot space behind them and both can be seen from the street. I would like to sit down with someone that can explain this to me on how this is.

I have enclosed pics of my place the blue house and 815 the red house.

Kim could you please pass this on to the Mayor on my behalf.

Thanks Joe Knight
541-730-5966

Send Discard Attach ...

Send

Discard

Attach ...

Draft saved at 2:11 AM

Food Truck Pods

Planning File No. 19-08-52



THE CITY THAT FRIENDLINESS BUILT

Background

- August 2019 – Presented discussion item on food pods
 - Presented 3 levels of operation: The Basic Model, Mid-Level, and Cadillac
 - Council directed staff to draft regulations to address public health, safety and welfare concerns, and to design regulations to the Mid-Level option.
- October 2019 – Presented draft ordinance to Planning Commission



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Code Amendment Proposal



- Definition: Food Pod = two or more food preparation units
- Zones authorized: Central Business Commercial District and Highway Commercial District, subject to an Administrative Review; Mixed-Use and Industrial zones, subject to a Conditional Use Permit
- Site Design and Amenity Regulations:
 - Paved designated walkways
 - Transactions must be completed on-site, not on public right-of-way
 - 6-foot separation between trucks
 - Screen equipment and storage from public right-of-way
 - Provide waste receptacles for patrons and food truck business waste
 - **IF** providing seating for customers, **THEN** provide restroom facilities, or access to restroom facilities within 0.0125 miles.
- Utilities: May now connect to utility services
- Parking: Two spaces per Food Preparation Unit (when parking is required in the zone)
- Lighting: Provide lighting when food pod is operating during hours of darkness

Recommended Action

- Consider staff report and public testimony
- City Council consider:
 - Adopting the Ordinance as recommended by the Planning Commission; or
 - Adopting the Ordinance with amendments.



THE CITY THAT FRIENDLINESS BUILT

Economic Development Update



THE CITY THAT FRIENDLINESS BUILT

Downtown Building Restoration Program 2018-2019 Projects

Tremi's Building



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Downtown Building Restoration Program 2018-2019 Projects

Kuhn Theatre



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Downtown Building Restoration Program 2018-2019 Projects

796 S Main Street



THE CITY THAT FRIENDLINESS BUILT

Downtown Building Restoration Program 2018-2019 Projects

Serendipity Café & Tea



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Downtown Building Restoration Program 2019-2020 Projects

Whetherford Building



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Downtown Building Restoration Program 2019-2020 Projects

Courtney Block Building



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Downtown Building Restoration Program 2019-2020 Projects



Odd Fellows Lodge

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Downtown Building Restoration Program 2019-2020 Projects

Sugar Vibes/The Cellar



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Downtown Building Restoration Program 2019-2020 Projects

Bach, Mayer, Garland Building



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Downtown Building Restoration Program 2019-2020 Projects



Finally Together Quilt Shop

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Downtown Building Restoration Program 2019-2020 Projects



MBVA Building

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Downtown Building Restoration Program 2019-2020 Projects

Conversion Brewing



THE CITY THAT FRIENDLINESS BUILT

Oregon Main Street Awards

Outstanding partner for
the state of Oregon
awarded to the
City of Lebanon



THE CITY THAT FRIENDLINESS BUILT

Downtown Building Restoration Program Funds Leveraged

	2018-2019	2019-2020
Funds Invested by DBRP	\$46,771	\$48,587
Funds Invested by Owners	\$80,090	\$38,934
Projects funded	4	8



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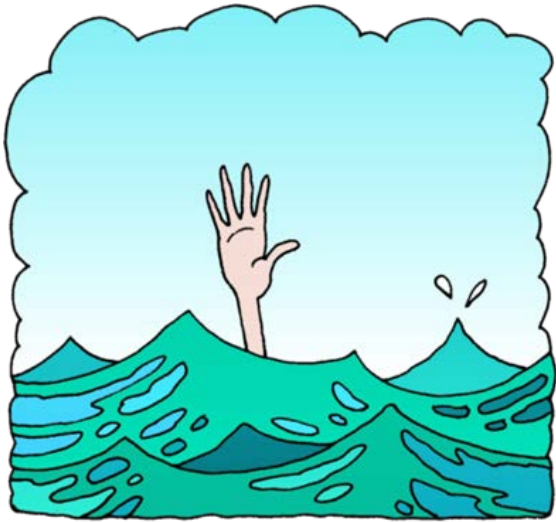
Next Steps for Wetlands

Cascades West Regional Consortium

- Continued lobbying for statewide Wetland mitigation solutions
 - 404 Assumption
 - Publicly owned mitigation bank

RSIS – Regionally significant Industrial sites

- Provides state income tax reimbursements to local governments that make industrial sites ready for development (infrastructure and wetland mitigation)
- Currently states that to be eligible for reimbursement there must be 25 jobs created (rural areas) that has a incomes of 150% of the median household income for the county.
- The City would get 50% of the state income tax returned for each employee per year until the full cost for wetland mitigation is reimbursed.



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Linn Benton Collaborative

8 Rural Cities

- Lebanon, Sweet Home, Adair Village, Harrisburg, Halsey, Brownsville, Philomath and Monroe
- ROI Grant
- Other Economic Development Initiatives

Intergovernmental Agreement (IGA)

- Regional connectedness
- Coordination with county and statewide resources
- Advocacy for a bigger collective voice



THE CITY THAT FRIENDLINESS BUILT

Business Retention & Expansion

Business Visitation Program Initiative

- Weekly business visits to further economic development retention and expansion goals
- Goals
 - Learning more about the different business sectors operating in Lebanon
 - Identify the health of the business community
 - Determine if there is any further support that could be provided by the City
 - Determine if there are any complimentary businesses that could be located in close proximity that would make their business thrive
- Businesses visited so far: Western University of Health Science, Oregon State Federal, Rick Franklin Railroad, American Family Insurance, and Keller Williams Laura Gillot Home team



THE CITY THAT FRIENDLINESS BUILT

Business Recruitment

Lebanon Economic Development Recruitment Packet

- Marketable business recruitment packet that shows the benefit of building or locating in Lebanon
- Goals
 - Showcase attractive demographics
 - Highlight the regional connections
 - Explain the competitive advantages of locating in Lebanon
 - Demonstrate how “It’s easier here”
 - Potentially include Retail and Development Opportunities



Demographics

ATTRACTIVE DEMOGRAPHICS

POPULATION		
2018 Population	38,854	Located just 25 miles south of Los Angeles, in northwest Orange County, the City of Stanton is in a prime location for new and expanding businesses. With exceptional land values, a pro-growth climate, and its central location between the 22, 405, 605, 91, and 5 freeways, Stanton provides an optimal location for businesses serving local and regional clientele.
2020 Projected	41,235	
BUSINESSES		
Number of Businesses	1,525	
AGE		
Median Age	34.7	Encapsulating 3.1 square miles of prime real estate, the City of Stanton has some of the few remaining undeveloped parcels in Orange County. Come take advantage of the great location, land values and regional accessibility.
HOUSEHOLDS		
2018 Households	11,037	
Household Size	3.5	
Median Household Income (2018 est.)	\$58,148	
Median Home Value	\$455,606	
ETHNIC COMPOSITION		
White	20%	
Hispanic	50%	
Asian & Pacific Islander	26%	
Black	2%	
Two or more races	2%	

Unique Businesses

Located just 25 miles south of Los Angeles, in northwest Orange County, the City of Stanton is in a prime location for new and expanding businesses. With exceptional land values, a pro-growth climate, and its central location between the 22, 405, 605, 91, and 5 freeways, Stanton provides an optimal location for businesses serving local and regional clientele.

Encapsulating 3.1 square miles of prime real estate, the City of Stanton has some of the few remaining undeveloped parcels in Orange County. Come take advantage of the great location, land values and regional accessibility.

MAGNOLIA BIRD FARMS: Started in 1955 by Frank Miser Sr., The Magnolia Bird Farm has over 65 years of experience selling, buying, raising, and loving birds. Magnolia Bird Farm is a top breeder of birds from finches to love birds, and prides itself on providing a family atmosphere in their store. When you enter, you are greeted by a feathered family member that is over 50 years old. They are also active participants in the Stanton community, providing field trip opportunities to local schools.

SHAREMYCOACH.COM: ShareMyCoach is exactly that...it's people sharing their personal coaches. In a nutshell, ShareMyCoach acts as a property manager for people's RV's. With over 10 million RV's in the US, most of these are just sitting on a lot or a driveway somewhere. While most intend to use their RV often, the average usage is really only about 15 days out of the year. The rest of the time they are just idling. ShareMyCoach takes possession of the RV, manages it, does the maintenance on it, and rents them out.

KIM'S PIANO: Kim's Piano is one of the largest and most prestigious piano dealers in California. They offer the largest selection of brand name and pre-owned grand and upright pianos with outstanding service to local communities as well as out-of-state customers. The business was awarded Kawai's "Dealer of the Year" honors at the National Association of Music Merchants (NAMM) show in 2004, 2007, and 2010, a distinction that has been given to only a handful of piano dealers in the United States.

Retail Trade Area

Drive Time	Resident Population	Daytime Population	# of Households	Median Household Income
3 mins	93,427	55,365	26,520	\$63,198
5 mins	274,033	165,534	80,515	\$71,390
7 mins	504,480	331,358	151,714	\$73,935

Radius	Resident Population	Daytime Population	# of Households	Median Household Income
0.5 mi	6,514	4,710	2,135	\$59,647
1 mi	30,548	19,992	9,027	\$61,380
1.5 mi	73,056	45,019	20,764	\$61,534

Daily Needs Analysis

Retail Gap Analysis

THE CITY THAT FRIENDLINESS BUILT

2040 Goals Update

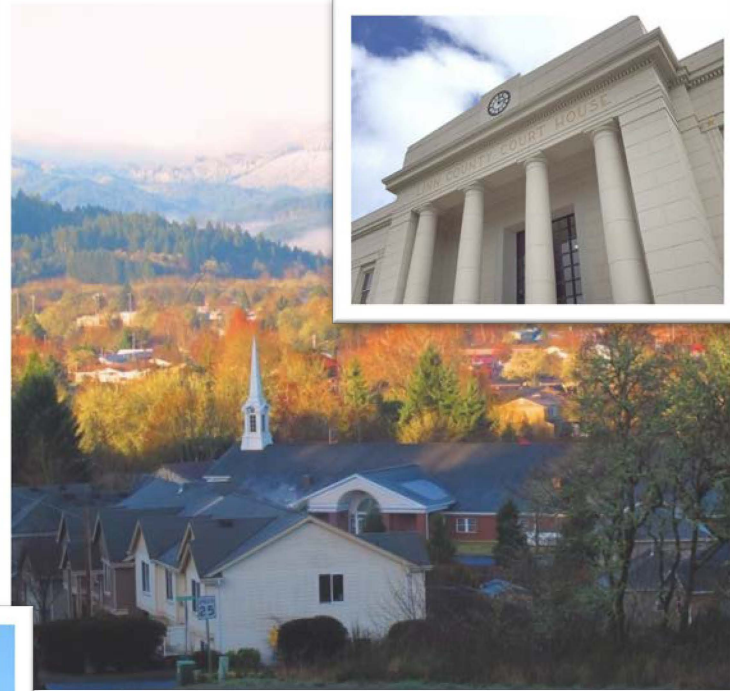
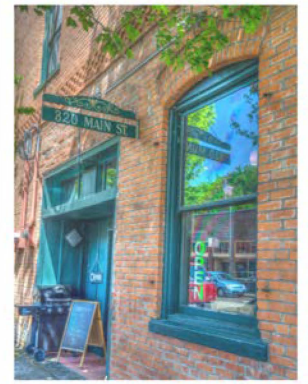
4.2 Develop downtown design standards consistent and protective of Lebanon's historic architectural themes

5.4 Develop and implement a Downtown Residential Incentive Plan

12.2 Develop a residential redevelopment plan to address areas of blight



THE CITY THAT FRIENDLINESS BUILT





Mid-Valley Partnership

REGIONAL ECONOMIC DEVELOPMENT



**"Alone we can do so little;
together we can do so much."
~ Helen Keller**



**"Coming together is a beginning;
keeping together is progress;
working together is success."
~ Henry Ford**

Rural residents taking the lead
to build their community's future

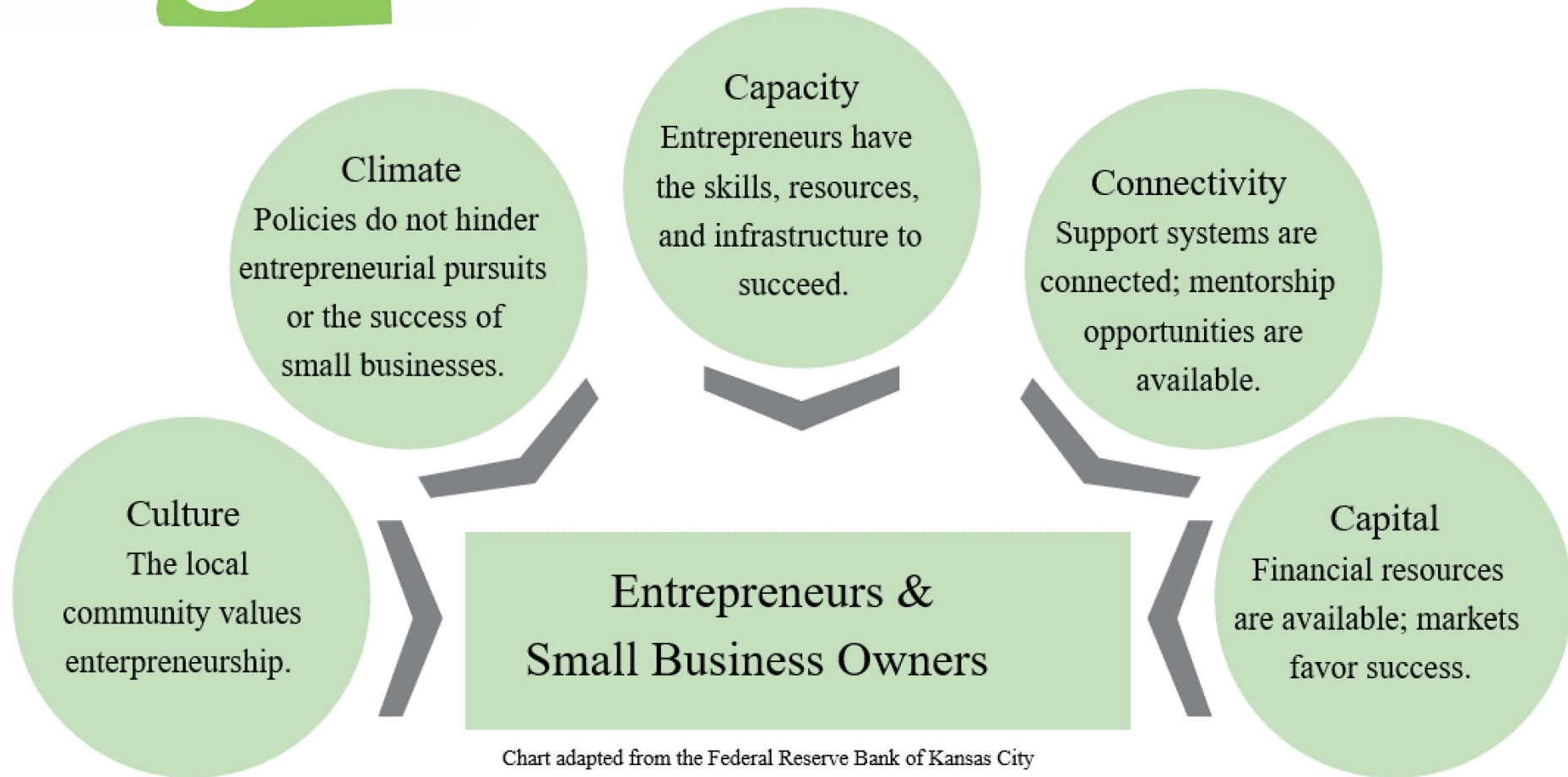
The Roots

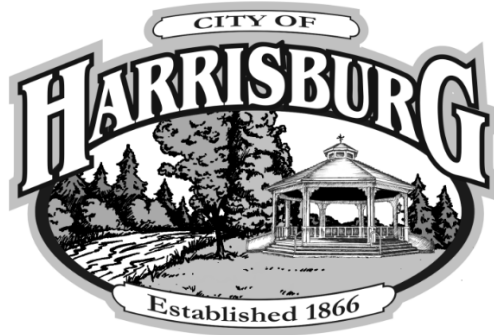
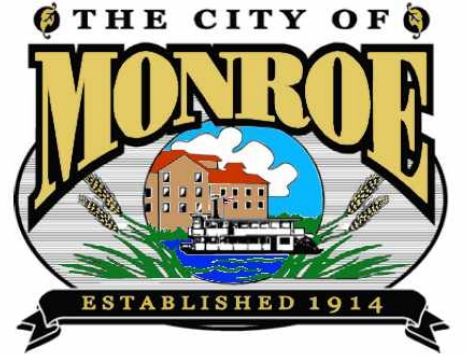




THE Ford Family
FOUNDATION

Five Cohorts & the Go Team





The Partners



Opportunity Knocked

**BUILDING
SOLID
RELATIONS
FOR LASTING
SUCCESS**





MEANWHILE...



Oregon State
University



UNIVERSITY OF
OREGON



Linn-Benton
COMMUNITY COLLEGE



ECONNorthwest

ECONOMICS • FINANCE • PLANNING



Institute for Policy Research and Engagement



**John Tapogna,
President**



**Bob Parker,
Executive Director**



UNIVERSITY
OF OREGON



Local government and educational leaders who assembled on May 15th recognized past efforts and generally agreed with survey findings that additional coordination would benefit the region. The group coalesced around activities that fell into three categories: foundational, aspirational, and risk/threat mitigation.

Foundational

Aspirational

Mitigation

Foundational



- **Foundational.** Collaborative initiatives to strengthen the core services and infrastructure that are routinely shared across localities. Collaborations could include:
 - Improving the timeliness and accuracy of updates to the Oregon Prospector site³
 - Identifying a common regional platform for business retention and expansion / customer relationship management (CRM) software
 - Improving permit and code processing

Foundational



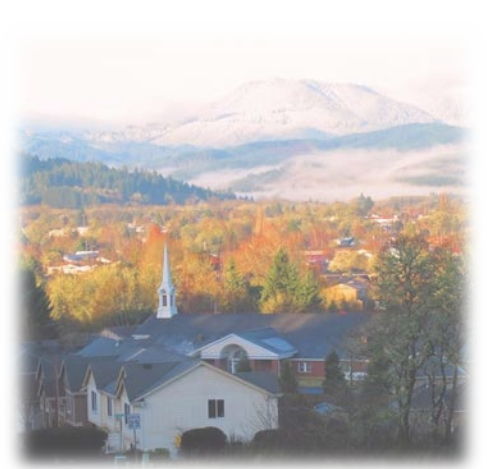
- Identifying and jointly advocating for a prioritized list of regional transportation projects
- Providing grant writing capacity to smaller jurisdictions
- Developing an assessment of regional strengths and threats and a strategic vision for economic development

Aspirational



- **Aspirational.** Initiatives designed to support entrepreneurship and accelerate job growth. Collaborations could include:
 - Joining, or building parallel versions of, Lane County's successful sector strategy teams in the food and beverage, technology, and construction clusters
 - Developing incubator/shared work space for young businesses
 - Providing research and development for emerging businesses
 - Development of Regionally Significant Sites

Mitigation



- **Risk/threat mitigation.** Efforts that address emerging threats to the region's economic vitality. Collaboration could include:
 - Consolidating the region's understanding of the demand and supply of housing and associated effects on prices
 - Workforce development support and coordination between various the Workforce Investment Boards serving the region

ASSESSING ECONOMIC DEVELOPMENT NEEDS: RESULTS OF A STATEWIDE SURVEY

Bob Parker

Executive Director, Institute for Policy Research and
Engagement, University Of Oregon



INTERVIEW FINDINGS FALL INTO FIVE BROAD CATEGORIES:

1. Coordination in economic development activity is lacking
2. Interviewees perceive local efforts positively
3. Higher education is perceived as an asset
4. Environmental regulation is perceived as a threat
5. Location is perceived as both an asset and a threat

RESPONDENTS PERCEIVED LOW LEVELS OF COORDINATION WITH KEY ECONOMIC DEVELOPMENT AGENCIES

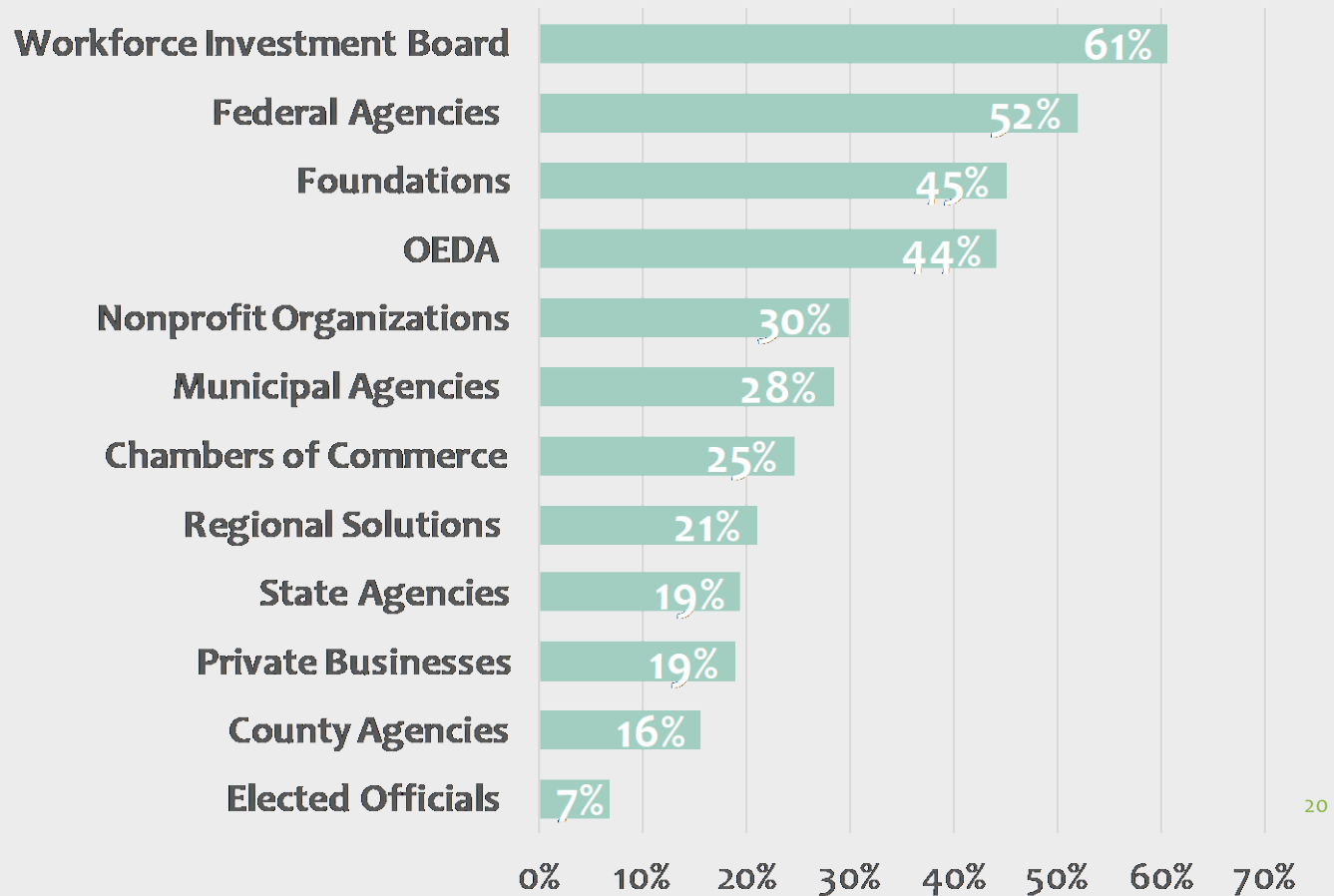
61%

SAY THEY HAVE LOW LEVELS OF COORDINATION WITH THEIR WORKFORCE INVESTMENT BOARD.

52%

SAY THEY HAVE LOW LEVELS OF COORDINATION WITH FEDERAL AGENCIES.

% OF RESPONDENTS THAT PERCEIVE NO COORDINATION

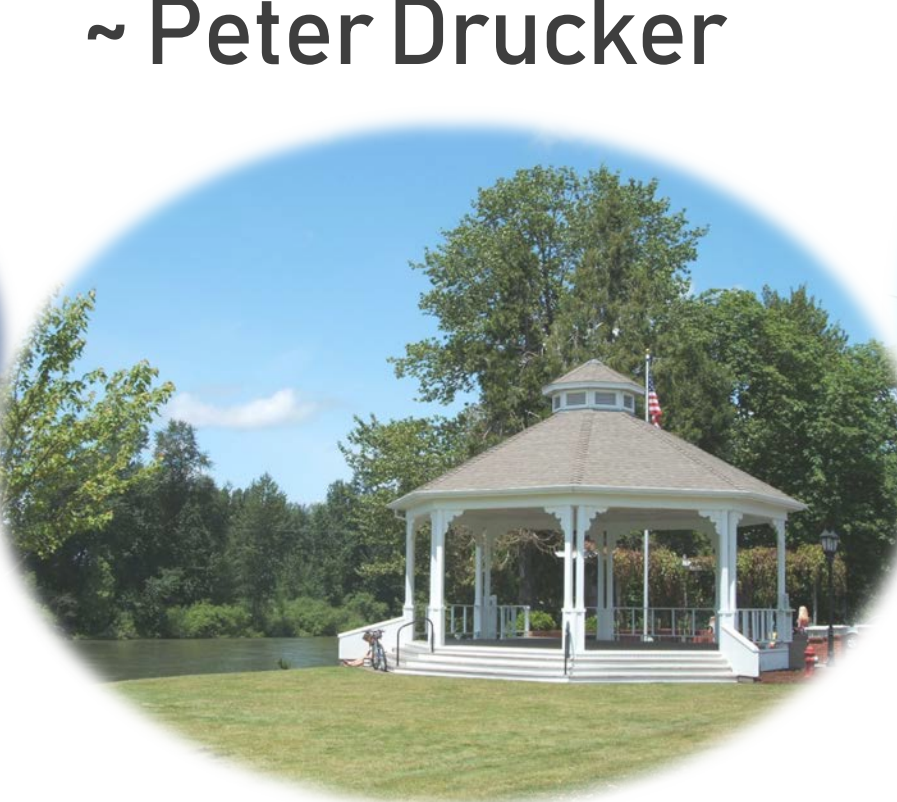


RESPONDENTS' EXPRESSED NEEDS FOR:

- **Leadership:** Stronger leadership from government agencies of all levels, local citizenry and citizen groups
- **Labor Force:** A well educated and responsible workforce
- **Technical Assistance:** Grant writing, capacity building, assistance in designing strategic plans
- **Coordination:** Better coordination between agencies involved with economic development

“You have a plan when you have clear objectives, skilled individuals assigned to achieve them and adequate financial resources. Until then, you have good intentions.”

~ Peter Drucker



Collective Impact Conditions

- ★ Common Agenda
 - ★ Shared Measurement
 - ★ Coordinated Activities
 - ★ Continuous Communication
 - ★ Focused Organization
 - ★ Financial Resources
 - ★ Influential Champion



The End

&

The Beginning