

ROSEBURG CITY COUNCIL AGENDA – MAY 22, 2023

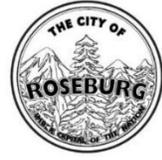
City Council Chambers, City Hall

900 SE Douglas Avenue, Roseburg, Oregon 97470

Public Online Access:

City website at <https://www.cityofroseburg.org/your-government/mayor-council/council-videos>

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CA
5-18-2023

Comments on Agenda Items and Audience Participation can be provided in person or electronically via Zoom. See next page for instructions on how to participate in meetings.

7:00 p.m. Regular Meeting

1. **Call to Order – Mayor Larry Rich**
2. **Pledge of Allegiance**
3. **Roll Call**

Shelley Briggs Loosley	David Mohr	Ellen Porter	Brian Prawitz
Kylee Rummel	Patrice Sipos	Ruth Smith	Andrea Zielinski
4. **Mayor Reports**
 - A. 2022 Roseburg Optimist Club Officer of the Year
 - B. LGBTQ+ Pride Proclamation/Wellspring Proclamation
5. **Commission Reports/Council Ward Reports**
 - A. Library Commission Resignation – Kelly Peter
 - B. Budget Committee Resignation – Kelly Peter
6. **Audience Participation – In Person or via Zoom/See Information on the Reverse**
7. **Consent Agenda**
 - A. May 8, 2023 Meeting Minutes
 - B. Intergovernmental Agreement - ODOT Flexible Service Maintenance Agreement
8. **Public Hearings**
 - A. CDBG Grant Closeout of Covid-19 Emergency Small Business and Microenterprise Grant Assistance project
 - B. Sale of Real Property: 481 SE Leland Street
 - C. Resolution No. 2023-15: Purchase and Installation of a Motorola Radio System through Interstate Cooperative Procurement
9. **Resolutions**
 - A. Annual Fee Adjustment
 - i) Resolution No. 2023-12: General Fees
 - ii) Resolution No. 2023-13: Water Related Fees
 - B. Resolution No. 2023-14: Park Rules & Regulations
10. **Ordinances**
 - A. Ordinance No. 3586: Amending RMC Section 7.02.100, Prohibited Camping, Second Reading
 - B. Ordinance No. 3587: Granting Renewal of a Telecommunications Franchise to Douglas Services, Inc. dba Douglas Fast Net, Second Reading
11. **Department Items**
 - A. Intergovernmental Agreement – ODOT Right-of-Way Services for Douglas Avenue, Deer Creek Bridge
12. **Items from Mayor, City Council and City Manager**
13. **Adjourn**
14. **Executive Session ORS 192.660(2)**

Informational

- A. City Manager Activity Report

AUDIENCE PARTICIPATION INFORMATION

The Roseburg City Council welcomes and encourages participation by citizens at all our meetings, with the exception of Executive Sessions, which, by state law, are closed to the public. To allow Council to deal with business on the agenda in a timely fashion, we ask that anyone wishing to address the Council follow these simple guidelines:

Comments may be provided in one of three ways:

- **In person during the meeting in the Council Chambers, Roseburg City Hall, 900 SE Douglas Ave.**
- **Email by sending an email by 12:00 p.m. the day of the meeting to info@cityofroseburg.org**
- **Virtually during the meeting. Contact the City Recorder by phone (541) 492-6866 or email (info@cityofroseburg.org) by 12:00 p.m. the day of the meeting to get a link to the meeting.**

When providing comments in person, each speaker must provide their name, address, phone number and which item on the agenda they wish to speak on the Audience Participation Sign-in Sheet.

When providing comments virtually or by email, each speaker must provide their name, address, phone number and which item on the agenda they wish to speak in an email to info@cityofroseburg.org.

When participating virtually, log or call in prior to the start of the meeting using the link or phone number provided.

- When accessing the meeting through the **ZOOM link**, click “Join Webinar” to join the meeting as an attendee.
- When accessing the meeting through the **phone**, call the number provided.
- All attendees will be held in a “waiting room” until called on to speak.

Persons addressing the Council must state their name and city of residence for the record. All remarks shall be directed to the entire City Council. The Council reserves the right to delay any action requested until they are fully informed on the matter.

TIME LIMITATIONS

With the exception of public hearings, each speaker will be allotted a total of 6 minutes. At the 4-minute mark, a warning bell will sound at which point the Mayor will remind the speaker there are only 2 minutes left. All testimony given shall be new and not have been previously presented to Council.

A total of 30 minutes shall be allocated for the “Audience Participation” portion of the meeting.

CITIZEN PARTICIPATION

- Anyone wishing to speak regarding an item on the agenda may do so when Council addresses that item.
- Anyone wishing to speak regarding an item on the Consent Agenda, or on a matter not on the evening’s agenda, may do so under “Audience Participation.”

PROVIDING COMMENTS

For each item in which speakers have requested to speak, the order will be as follows:

1. Speakers who attend in person will be called up to speak by the Mayor in the order in which they signed up.
2. Speakers on Zoom (video or phone only) will be called on to speak by the Mayor in the order in which they signed up. Each speaker will be brought in from the “waiting room” into the meeting to provide comments, then moved back to the “waiting room” after comments are provided.
3. Emailed comments to be read by the Mayor

If a matter presented to Council is of a complex nature, the Mayor or a majority of Council may:

1. Postpone the public comments to “Items from Mayor, Councilors or City Manager” after completion of the Council’s business agenda, or
2. Schedule the matter for continued discussion at a future Council meeting.

The Mayor and City Council reserve the right to respond to audience comments after the audience participation portion of the meeting has been closed.

The City Council meetings are on Facebook Live and available to view on the City website the next day at:
<https://www.cityofroseburg.org/your-government/mayor-council/council-videos>

The full agenda packet is available on the City’s website at: <https://www.cityofroseburg.org/your-government/mayor-council/council-agendas>

To the Citizens of Roseburg,

One year ago, the city council discussed, and voted, to read a proclamation in support of Pride Month which was requested by the LGBTQ+ community. It is that time of the year when a decision needs to be made again. The purpose of this letter is to inform you of what happened before the proclamation was read and what happened afterwards. I am a firm believer that everyone has a right to know the complete story of what happened, so I will be sharing that information with you. I believe you will find that both sides, the LGBTQ+ group and the Wells Springs group, had individuals that demonstrated disrespect and harassment behaviors that were not acceptable. It is not my intent to stir up negative emotions but to allow the entire community to hear the story so that you can respond if you find someone bad mouthing one side but not the other. Both sides were equally at fault in my opinion.

The purpose of this letter is to also inform everyone how proclamations are determined and who's responsibility it is to decide whether or not a proclamation is even read. Most of you are not aware that I now have a request to read 2 proclamations, one from the LGBTQ+ group and one from the Wells Springs group. At the end of this letter, I will tell you what my response is.

So, to answer the question, what happened? Most people already know that days before the proclamation was read, the LGBTQ+ group met on the court house lawn to hold a gathering for their own, which was well within their right to do so. Certain individuals from the Wells Springs group showed up to disrupt and harass the LGBTQ+ group, which wasn't acceptable behavior.

So, what happened after the proclamation was read? Starting the next day, certain individuals from the LGBTQ+ group took it upon themselves to try to fire individuals from their jobs, and threatened business owners to destroy their business because they appeared to be against the proclamation the night before at the city council meeting. I personally was shocked to find out what was happening. After reading proclamations for 24 years, I never had this happen before.

To give you some specifics, one business owner was threatened for sitting on the wrong side of the room. We didn't even have a seating chart at our city council meeting. If you showed up late and wanted to sit down, you took up a seat where you could find one. The business owner didn't even speak, just showed up and supposedly sat on the wrong side of the room.

Another specific, one supervisor was told to fire their employee because the employee was supposedly rolling their eyes the whole time against the LGBTQ+ group. I told the supervisor, it's kind of hard to see that since everyone faces forward at the meeting and can only see the back of people's heads. Even our cameras that film the meetings are focused on who is speaking, and only briefly on individual faces in the audience who are attending the meeting.

I share these two specifics with you so that if someone tries to say that their side is innocent and the other side is wrong, you can correct them. Both sides were equally at fault. Both sides had individuals that were disrespectful and demonstrated harassment behaviors.

Now to answer the question, how are proclamations determined and who's responsibility is it to decide. Proclamations are usually requested from organizations to honor and/or recognize an upcoming event that the organization plans to do. It is the responsibility of the mayor to decide whether or not a proclamation is read. It is not a city staff decision, or a city council decision. There is no discussion on the matter or a debate, or even a vote by the city council. It is totally up to whoever sits in the mayor's chair

as to whether or not, he or she, will read a proclamation. The mayor even has the authority to change any wording he or she doesn't like in a proclamation. The mayor can also add words to a proclamation.

You may be wondering how come last year there was a vote from the city council on reading the proclamation. That was my decision to bring it to the city council. I wasn't skipping out on my duties and responsibilities. We work as one governing body and I wanted the city council's input. I allowed the majority vote to determine whether or not the proclamation was read.

I told you at the beginning that I have a request for two proclamations at this time. The Wells Springs group has submitted their request for a proclamation too, which they have every right, and the same right, to do so as the LGBTQ+ group does. I have three choices to make. I can read both proclamations. I can read one proclamation and not the other. Or, I can choose to read neither one. I have made my decision. This year the answer to both groups is no. I will not read the LGBTQ+ proclamation and I will not read the Wells Springs proclamation.

It's really sad the harassment that has occurred. I wish it didn't happen but it did. In my opinion both sides are equally at fault. Like I said earlier, in 24 years of reading proclamations, this is the first time something like this has happened. I want you to know that the city staff and the city council were not a part of the decision-making process so don't take it out on them if you don't like the decision. It was totally my decision and I take full responsibility for it.

Mayor Larry Rich



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

LIBRARY COMMISSION RESIGNATION

Meeting Date: May 22, 2023

Department: Administration

www.cityofroseburg.org

Agenda Section: Commission Reports

Staff Contact: Autumn David, Management Asst.

Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

Library Commission Member Kelly Peter has resigned her position on the Commission.

BACKGROUND

A. Council Action History.

n/a.

B. Analysis.

Commissioner Peter informed Staff of her resignation effective June 30, 2023. An appointee to this position must reside in the City or within the Urban Growth Boundary. Upon Council's acceptance of the resignation, Staff will begin soliciting from interested parties through the local news media, social media and City's website.

C. Financial/Resource Considerations.

n/a.

D. Timing Considerations.

It is recommended action be taken as soon as practical to accept Commissioner Peter's resignation and take steps to fill the position.

STAFF RECOMMENDATION

Staff recommends the City Council accept Commissioner Peter's resignation.

SUGGESTED MOTION

"I MOVE TO ACCEPT KELLY PETER'S RESIGNATION FROM THE LIBRARY COMMISSION, WITH REGRETS."

ATTACHMENTS:

Attachment #1 – Subject Resignation

Autumn C. David

From: Kelly Peter <kellybpeter@gmail.com>
Sent: Wednesday, May 17, 2023 8:46 AM
To: Kris Wiley; Nicole A. Messenger
Cc: Autumn C. David; mjbaker65@mydfn.net; Info Shared Mailbox
Subject: Roseburg Commissions Resignation

Good morning, Kris and Nikki. As previously discussed at our respective last meetings, I am relocating to Orlando, Florida at the end of June and thus, no longer able to serve on the City's commissions and committees.

This email serves as my official notice that I am resigning as a member of the Roseburg Library Commission and as a Roseburg Budget Committee member effective the end of this fiscal year on June 30, 2023. If you need an official signed letter for the City Recorder's files, please let me know and I am happy to bring one to the City offices.

I do know of individuals interested in serving in the vacancies and am happy to forward their information to you, if desired.

Thank you both for the years of opportunity to give back to Roseburg. I've so very much enjoyed my time making Roseburg my home. Best of luck to you all in the future!

Kelly Peter

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



BUDGET COMMITTEE RESIGNATION

Meeting Date: May 22, 2023
Department: Administration
www.cityofroseburg.org

Agenda Section: Commission Reports
Staff Contact: Autumn David, Management Asst.
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

Budget Committee Member Kelly Peter has resigned her position on the Committee.

BACKGROUND

A. Council Action History.

n/a.

B. Analysis.

Committee Member Peter informed Staff of her resignation effective June 30, 2023. An appointee to this position must reside in the City. Upon Council's acceptance of the resignation, Staff will begin soliciting from interested parties through the local news media, social media and City's website.

C. Financial/Resource Considerations.

n/a.

D. Timing Considerations.

It is recommended action be taken as soon as practical to accept Committee Member Peter's resignation and take steps to fill the position.

STAFF RECOMMENDATION

Staff recommends the City Council accept Committee Member Peter's resignation.

SUGGESTED MOTION

"I MOVE TO ACCEPT KELLY PETER'S RESIGNATION FROM THE BUDGET COMMITTEE, WITH REGRETS."

ATTACHMENTS:

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I do know of individuals interested in serving in the vacancies and am happy to forward their information to you, if desired.

Thank you both for the years of opportunity to give back to Roseburg. I've so very much enjoyed my time making Roseburg my home. Best of luck to you all in the future!

Kelly Peter

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL MEETING
May 8, 2023**

Mayor Rich called the regular meeting of the Roseburg City Council to order at 7:01 p.m. on May 8, 2023 in the City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon. Councilor Mohr led the Pledge of Allegiance.

ROLL CALL

Present: Councilors Shelley Briggs Loosley, David Mohr, Patrice Sipos, Brian Prawitz (via Zoom), Ellen Porter, and Andrea Zielinski

Absent: Councilors Ruth Smith and Kylee Rummel

Others Present: City Manager Nikki Messenger, City Recorder Patty Hitt, City Attorney Jim Forrester, Police Chief Gary Klopfenstein, Community Development Director Stuart Cowie, Human Resource Director John VanWinkle, Library Director Kris Wiley, Public Works Director Dawn Easley, Finance Director Ron Harker, Communications Specialist Suzanne Hurt, and Management Assistant Autumn David.

MAYOR REPORTS

Mayor Rich proclaimed the week of May 21-27, 2023, as Emergency Medical Services Week with the EMS Strong theme: Where Emergency Care Begins, and encouraged the community to observe this week with appropriate programs, ceremonies, and activities. Bryan Russell with Umpqua Valley Ambulance accepted the proclamation and thanked the Council for the recognition.

Mayor Rich proclaimed the week of May 21-27, 2023, as National Public Works Week and urged all citizens to join in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make in protecting our national health, safety, and quality of life. Public Works Director Dawn Easley accepted the proclamation and stated the City of Roseburg Public Works team consisted of many dedicated staff members who worked hard to accomplish many essential tasks throughout the community.

COMMISSION REPORTS

Councilor Sipos reported the Parks and Recreation Commission met on May 3, 2023, for a tour of the Umpqua Actors Community Theater (UACT) building followed by a regular meeting. During the regular meeting, the Commission moved to forward a recommendation to City Council to give preliminary approval to UACT's conceptual expansion and renovation plan. The Commission also moved to approve the revised Parks Rules and Regulations and recommended City Council adopt a resolution repealing and replacing the City of Roseburg Parks Rules and Regulations.

AUDIENCE PARTICIPATION

Shawn Kellim, Glide resident, expressed frustrations around City Council adopting an amendment to RMC 7.02.140 Noise Disturbances without hearing additional comments from the community. Kellim stated that at the last City Council meeting staff reported the reason for the

change was due to the City losing a court case because of the ordinance language and suggested the City Attorney was setting the City up for future lawsuits. Kellim urged Council to repent and do good by gods will.

Richard Carroll, Roseburg resident shared frustrations on the enforcement actions of Roseburg Police Department officers in regards to RMC 7.02.140 Noise Disturbances. Carroll stated officers had harassed and lied to him about regulations set forth in the ordinance. Carroll claimed he was served an eviction notice, threatened by multiple officers, had his Bluetooth speaker confiscated, and was arrested and taken to jail because of noise violation reports from a neighbor. Carroll recommended City Council dissolve the Roseburg Police Department and transfer enforcement rights to the Douglas County Sheriff’s Department stating that a deputy had never lied to him.

Mason Goodnight, Roseburg resident and staff elder with Wellsprings Bible Fellowship shared information on a request submitted to City Staff seeking a proclamation to honor the natural family in 2023. Goodnight read the proposed proclamation and urged Council to consider a proclamation honoring the natural family on an annual basis.

CONSENT AGENDA

Councilor Zielinski moved to approve the following consent agenda items:

- A. April 24, 2023, Regular Meeting Minutes
- B. Intergovernmental Agreement with Douglas County for Inmate Housing – Nineteenth Extension
- C. Intergovernmental Agreement with Douglas County Communications Services and Radio Usage Agreement
- D. OLCC License Privilege Change – The Fox Den Eatery at 838 NW Garden Valley Blvd
- E. OLCC New Outlet – Abraham, Inc., dba Cass Market & Deli at 831 SE Cass Ave.

The motion was seconded by Councilor Briggs Loosley and approved with the following vote: Councilors Briggs Loosley, Mohr, Sipos, Prawitz, Porter, and Zielinski voted yes. No one voted no.

ORDINANCE NO. 3586 REPEALING AND REPLACING RMC SECTION 7.02.100 PROHIBITED CAMPING, FIRST READING.

Messenger reported the City had until June 30, 2023, to adopt updated ordinances regulating time, place and manner related to camping on public property. Council held a work-study session on April 17, 2023, and discussed concepts related to time, place and manner regulations. House Bill 3115 required any city or county law regulating the acts of sitting, lying, sleeping or keeping warm and dry outside on public property to be “objectively reasonable” based on the totality of the circumstances as applied to all stakeholders, including persons experiencing homelessness. Cities that want to regulate time, place and manner must have an objectively reasonable ordinance in place before July 1, 2023. Many cities throughout Oregon were updating ordinances and what was objectively reasonable may look different in different communities.

The City conducted an online public survey to collect input related to camping in public spaces within the City of Roseburg. Based on survey results and other public input, staff presented draft time, place and manner concepts to the Homeless Commission at their March 27 meeting and

to the City Council at the April 17 work-study session. Staff continued to refine the concepts and language and presented a draft ordinance to the Homeless Commission at their April 24 meeting. The Homeless Commission recommended the Council adopt the concepts outlined in the draft ordinance. A draft of the proposed ordinance was posted to the City's website on May 1 and was updated on May 3 based on additional input received. The issue before the Council was whether to proceed with first reading of the proposed ordinance repealing and replacing the Roseburg Municipal Code (RMC) Section 7.02.100.

Messenger stated that Council had requested to add seasonal times frames to the time section of the ordinance and that request was reflected in the draft. The parks were typically closed during the non-prohibited times listed within the ordinance. Messenger added that much of the feedback received was about what the distance requirements should be from playgrounds, sports fields, schools, and daycares and reminded Council that the ordinance only addresses City owned public property. There was not a lot of City owned property next to schools or daycares. The distance from those locations was changed to 100 feet, rather than 1000 feet, because when looking at the areas affected, there was a concern that 1000 feet would be too restrictive.

Discussed suggestions for different distance requirements. Messenger stated there was no set standard and staff was trying to honor requests without being too restrictive. In response to Councilor Zielinski, Messenger clarified camping would be prohibited outside of the non-prohibited times; therefore, there should never be camping near a playground during the times when the park was open and children were playing.

In response to Councilor Porter, Attorney Forrester stated the wording "involuntarily homeless" came from the statute language and added that if someone was choosing to camp and was not involuntarily homeless they would be in violation and could be cited for prohibited camping. It could be difficult to determine if someone was involuntarily homeless, but the language was used because it mirrors the statute.

Councilor Porter stated the ordinance language implies that camping on public and private property was prohibited, but goes on to talk about camping and requested clarification. Forrester clarified that public property would be property that is public but not owned by the City, such as County property. The ordinance only addresses City owned property. Councilor Porter stated the language seemed contradictory, and requested staff review it and possibly add further clarification.

Continued to discuss distances requirements from schools, daycares, and sport complexes. Mayor Rich stated that although people would not be camping in non-prohibited areas during daytime hours, he wondered if the 100-foot distance was far enough, considering items often left behind from campsites. Messenger reminded Council that the ordinance only addressed City owned property and establishing a 1000-foot distance may eliminate most of the space left. Fir Grove School was near a sports complex, so it would be covered under another section. Attorney Forrester added that these are public spaces, and people experiencing involuntarily homelessness had every right to be in the park during regular park hours, as long as they were not camping; what was being discussed was where people could sleep and rest, not where they could exist.

In response to Councilor Porter, Messenger stated she did read Eugene's ordinance regarding prohibited camping and noted many differences between the City of Roseburg program and Eugene's program.

Councilor Prawitz shared that while several comments received contained concerns around the ordinance language, several comments received thanked the City and Council for doing something to address the situation. Councilor Prawitz urged Council to keep in mind the "time" section of the ordinance, adding that camping would be prohibited throughout most of the times during the day when people would be out enjoying the parks.

Councilor Porter requested staff separate sports complexes from play structures to avoid confusion. Discussion continued regarding distance requirements from schools, playgrounds, and sports complexes. Most schools within City of Roseburg were near residential or private property, which was already proposed to be off limits. Councilor Prawitz stated his understanding was that most areas near schools were covered based on other prohibited areas and added that, in his opinion, the ordinance was very thorough. Councilor Sipos stated 20 feet from play structures seemed very close and recommended staff increase the distance. In response to Councilor Mohr, Messenger stated the ordinance did not include language regarding how many pets were allowed in campsites and staff had not seen that addressed in other examples. Council could request pet limitations be included.

In response to Councilor Mohr, Attorney Forrester defined adjacent as touching or immediately next to. Councilor Mohr recommended the definition of adjacent be added to the ordinance. Councilor Mohr asked for an explanation of what defined living accommodations and stated the language seemed to reference objects such as heating and sleeping gear rather than a place to live. Attorney Forrester stated living accommodations were defined under camp materials and the definition was received from the attorney helping draft the ordinance.

Camping on private property in excess of 48 hours was already prohibited under the ordinance. Attorney Forrester stated the 48-hour limit was removed, but could be added back in if Council requested that. The intent was for a person to be able to sleep in their backyard for a 48-hour period but not live in their backyard.

Councilor Mohr questioned why language was included to prohibit any area determined by the Fire Chief, Fire Marshal, or designee to constitute an elevated threat of fire danger and asked what measures would be used to determine that. Attorney Forrester stated the Fire Chief and Fire Marshal would maintain the right to state when an area could not be occupied due to heightened fire danger. The City could implement measures regarding fire safety and those measures would apply to all people. During certain times of the year, during high fire danger, certain areas may be off limits completely due to a high risk of fire.

Councilor Porter questioned if areas that had been occupied as a campsite would be cleaned up by staff each morning before the areas were frequented. Messenger stated there was not enough staff capacity to cover every area of the parks.

Councilor Porter requested staff explain Section F, which addresses violations and asked how violations to the ordinance would be enforced. Attorney Forrester stated that what could and could not be done would likely be determined by litigation and going to court. Violations to the

ordinance would be enforced as a violation, and the proposed language would allow the City flexibility to do what could legally be done to enforce the code. Attorney Forrester added that City ordinances do not typically outline what would happen if there were multiple violations. Laws are enforced based on what state law allows.

In response to Mayor Rich, Attorney Forrester stated the ordinance only applied to people experiencing involuntary homelessness. If someone were to state that the rules do not apply to them because they are voluntarily homeless, other City ordinances would apply. Messenger reminded Council that the ordinance could be adjusted as needed; staff was trying to meet the deadline to adopt an ordinance regulating the acts of sitting, lying, sleeping or keeping warm and dry outside on public property. Council would almost certainly be discussing this again later this year, because there would likely be changes. Councilor Sipos was in complete agreement with the issues raised by Councilor Porter and Councilor Mohr.

Councilor Mohr questioned if there should be regulations regarding possessing firearms within campsites. Attorney Forrester reminded Council that firearms would be dealt with in other areas of the law and people could not be treated differently based on being involuntarily homeless.

In response to Councilor Mohr, Messenger stated watercraft being leveraged as a living space could be an issue; however, the river was not City owned property, therefore was not addressed in the ordinance. Riverbanks on City owned property would be included in the bike path to water edge area, which would be prohibited. However, it could be difficult to define jurisdiction if a watercraft were anchored in the middle of the river. Discussion ensued around whether the South Umpqua River was considered navigable water. Attorney Forrester stated that it was his understanding that the State of Oregon defines the South Umpqua River as a navigable waterway. Councilor Porter had a different understanding and requested staff looked into the definition.

Councilor Mohr and Councilor Porter thanked staff for the hard work and time spent drafting the ordinance language.

Jim Collins, Roseburg resident and President of Umpqua Valley Cal Ripken shared that the Cal Ripken youth membership had seen a large increase in participation over the last six years. The organization leased multiple parks from the City paying in excess of \$15,000 in user fees annually. Over the last few years, Cal Ripken had invested over \$40,000 into Gaddis Park; however, they had also experienced a lot of theft and were spending over \$150 a week on locks. Collins stated the organization had lost almost \$10,000 in equipment this year, due to theft and expressed that due to the amount of time they spend at the park, they were sure it was because of the homeless population. Collins thanked several City of Roseburg staff members for the help and support they provide to the organization and thanked Council for their attempt to provide tools to address the situation. Collins recommended Council expand distance requirement to 1000 feet from sporting complexes.

Ramsie Cooley, Roseburg resident stated it was essential to ensure the ordinance was objectively reasonable for those experiencing homelessness. Forcing the homeless population to move their camp on a daily basis did not provide an opportunity to rest, get dry, or have the human ability regroup and be comfortable functioning in society. Cooley stated that the basic needs of staying warm and dry provide individuals the ability to rest so they can have a clear

thought process to work towards positive goals and improve their future. Getting out of the elements was first priority and continuing to allow individuals experiencing homelessness to live in their current conditions was cruel and unusual punishment. Cooley expressed that the issues were much greater than homelessness, stating many people experiencing homelessness suffer from mental health issues, and asked how these changes would address the actual problem.

Devon Paaseh, Roseburg resident, shared that shortly after moving to Roseburg she experienced a tragedy and became homeless. Paaseh contributed being able to have stability while experiencing homelessness to her success. Having a place to camp, where she could leave her belongings during the day provided stability and an ability to utilize resources available. Paaseh stated that having to move her belongings daily would have hindered her ability to find the success she found in becoming a housed member of the community. Paaseh stated that the homeless population are all hearts without homes and humans with rights and presented Council with a list of reasons why packing up and moving belongings daily would create more chaos rather than providing a remedy to the problem. Paaseh suggested Council establish a place where the homeless could camp and not be required to pack up and move daily.

Mereta Brown, Roseburg resident, stated she owns a rental property approximately 200 feet from the river across from the disc golf course. They were having difficulties renting the home because of a very large homeless camp across the river. Brown stated there was constant activity from the homeless population including loud music and noise throughout the night and police were often called to respond. Brown suggested Council extend the prohibited area to include the disc golf course.

Ann Reese, Roseburg resident, stated forcing people to pack up their belongings and move their camps daily would not solve the problem. Reese questioned where the unhoused population would go during the day and how police would monitor the additional people wandering around town carrying all of their belongings. Reese recommended a safe place be established for the homeless population.

Pam Berman, Roseburg resident, thanked staff and Council for the work done to address such a complex issue. Berman stated she did not agree with the requirement to force the homeless community to pack up and move their camps daily. Berman added that she lived on the river and could see the debris that was washed away due to the camps; however, the time restrictions were unfair. Berman recommended a designated place be established for the homeless to camp and be safe and that a map be created to identify those locations.

Stephanie Gilbreath, Roseburg resident, spoke on behalf of parents of kids playing recreational sports in Roseburg. Gilbreath provided her background and stated she was invested in the health of the community for the sake of her kids and their peers. She and her husband had done homeless outreach in Corvallis and Portland and regularly donate to organizations that support efforts to help the homeless. This was not about solving the homeless crisis; it was about protecting kids and ensuring their safety. Understanding the complexity of homelessness and Oregon law, Gilbreath stated she chose to focus her efforts on gathering parent's concerns regarding the safety of their children playing recreational sports. A survey was sent out and nearly 1000 responses were received within six days; efforts spread quickly and coaches, teachers, small business owners, doctors, attorneys, and grandparents answered yes that there should be a distance requirement of 1000 feet from all sports complexes. Gilbreath expressed

frustrations that children cannot safely play in the grass near the baseball fields, questioned why children would be invited to an area known to be unsafe, and urged Council to expand distance requirement to 1000 feet from all sports complexes.

Kelly Wyatt, Roseburg resident, stated it was important to come together and find a way to protect the river and parks and find a safer place for the homeless to be. Wyatt was in support of the ordinance and thanked staff and Council for the work done to take a step in the right direction.

Susan Board, Roseburg resident, stated she was speaking on behalf of her husband Robert Board and shared that she appreciated the work staff and Council had done to address the homeless issue. Board stated she understood the need to get the ordinance in place, but recommended Council consider a second reading after hearing comments. Board questioned how the ordinance would be managed, where the homeless would be expected to go during times that camping was prohibited, and how they would stay dry and warm.

Richard Cremer, Roseburg resident, thanked the Homeless Commission, City Council and staff for the work done on the ordinance. Cremer stated the ordinance took into consideration the City's responsibility to assist the homeless with a place to sleep and serves the City's purpose of preserving the quality of life in Roseburg by ensuring parks were open for citizens to enjoy during the day. Cremer urged Council to pass the ordinance, but added that it was necessary to continue to take additional steps to help the unhoused. Cremer suggested the City partner with the County to establish a place where the unhoused could go that provides a facility for cooking, bathing, and laundry, which would help them in their attempt to gain employment and find secure housing.

In response to Councilor Zielinski, Messenger confirmed the City was still working toward finding a location for an "urban campground"; however, staff was still working through the liability issues associated with that. Messenger added that the Navigation Center was still under construction, and once complete, it would add an additional 30 beds. Mayor Rich shared that the Homeless Commission was looking for a location for an urban campground and had located a site of interest. Liability insurance was going to be very expensive; the costs to insure an urban campsite would be around \$40,000 per tent per year. Roseburg would continue to move forward to find a location and would figure out how to make it happen.

Councilor Porter shared that her sole purpose in joining Council was to find a solution to the homeless issue within the community. Initially she thought the solution would be simple; however, after gaining access to information and struggles staff had been trying to work through, she found there was no simple solution; the issues were complex. The community was divided and there were people on all sides of the argument. Through her research, she learned that some of the biggest hurdles to overcome were set by Oregon State Legislature in Salem. The bar was set very high and very few tools were provided to find solutions, especially within rural communities. She worked with legislature for two months in the spring to try to get a bill passed through legislature that would have made it easier to establish an urban campground. That was rejected by plaintiff attorneys out of Portland due to various liability issues. Councilor Porter added that she often reads comments on social media about a lack of leadership amongst City staff, and does not believe that to be true; a lot of work was being done, the issues were very complex and she urged the community to take action to help change some of those hurdles.

In response to Councilor Mohr, Messenger stated the mission had beds available every night; however, there were requirements to stay there, so they were not considered a low-barrier shelter. The navigation center had ten “mod-pods” and once construction was complete, there would be capacity for an additional 30 beds. Point and time counts indicate there were typically 100-125 unhoused people living on City property. Messenger added that the intent was for people to move through the navigation center and find stable housing.

In response to Councilor Mohr, Messenger stated staff did not anticipate that costs to enforce the ordinance would be more than what was currently being spent on camp clean-up efforts.

Staff was considering ideas to add a QR code to current signage that would provide information on what areas were prohibited. Council members present agreed it would be helpful to have a map identifying boundaries and distances.

In response to Councilor Sipos, Messenger clarified if Council requested minor changes the first reading could still take place; however, if substantial changes were requested a new first reading would be required. Discussion ensued. Attorney Forrester confirmed that suggested changes would be minor.

In response to Councilor Mohr, Attorney Forrester stated the addition of a limitation on animals would be a substantial change and shared that staff was reviewing the current animal code to address some additional issues. Councilor Mohr agreed to delay the matter for future discussion.

Council directed staff to modify the ordinance language to split sport complexes and playground/play structures into separate sections and to adjust the distance in which camps were prohibited from play structures, playgrounds, sports complexes, and daycares to 200 feet.

Council agreed to proceed with a first reading of Ordinance No. 3586. Hitt read Ordinance No. 3586, entitled, “An Ordinance Repealing and Replacing Section 7.02.100 of the Roseburg Municipal Code,” for the first time.

ORDINANCE NO. 3587 GRANTING RENEWAL OF A TELECOMMUNICATIONS FRANCHISE TO DOUGLAS SERVICES, INC. DBA DOUGLAS FAST NET, EFFECTIVE JANUARY 1, 2024, FIRST READING.

Hitt reported the telecommunications franchise agreement with Douglas Services, Inc. dba Douglas Fast Net was in its fifth and final term and staff received an application for renewal on April 25, 2023. The effective date of the new franchise agreement would be January 1, 2024, and the initial term of the franchise was three years, with an expiration date of December 31, 2026.

Council agreed to a first reading of Ordinance No. 3587. Hitt read Ordinance No. 3587, entitled, “An Ordinance Renewal of Telecommunications Franchise to Douglas Services, Inc., dba Douglas Fast Net,” for the first time.

ORDINANCE NO. 3584 GRANTING RENEWAL OF A TELECOMMUNICATIONS FRANCHISE TO FIRST COMMUNICATIONS, LLC, EFFECTIVE JANUARY 1, 2024, SECOND READING.

Hitt read Ordinance No. 3584, entitled, “An Ordinance Granting Renewal of a Telecommunications Franchise to First Communications, LLC, effective January 1, 2024,” for the second time.

Councilor Zielinski moved to adopt Ordinance No. 3584, entitled, “An Ordinance Granting Renewal of a Telecommunications Franchise to First Communications, LLC, effective January 1, 2024.” The motion was seconded by Councilor Sipos. Roll call vote was taken: Councilors Briggs Loosley, Mohr, Sipos, Prawitz, Porter, and Zielinski voted yes. No one voted no. Mayor Rich declared Ordinance No. 3584 as adopted.

ORDINANCE NO. 3585 GRANTING RENEWAL OF A TELECOMMUNICATIONS FRANCHISE TO LIGHTSPEED NETWORKS, INC. dba LS NETWORKS, EFFECTIVE JANUARY 1, 2024, SECOND READING.

Hitt read Ordinance No. 3585, entitled, “An Ordinance Granting Renewal of a Telecommunications Franchise to LightSpeed Networks, Inc. dba LS Networks, effective January 1, 2024,” for the second time.

Councilor Zielinski moved to adopt Ordinance No. 3585, entitled, “An Ordinance Granting Renewal of a Telecommunications Franchise to LightSpeed Networks, Inc. dba LS Networks, effective January 1, 2024.” The motion was seconded by Councilor Briggs Loosley. Roll call vote was taken: Councilors Briggs Loosley, Mohr, Sipos, Prawitz, Porter, and Zielinski voted yes. No one voted no. Mayor Rich declared Ordinance No. 3585 as adopted.

ITEMS FROM THE MAYOR, CITY COUNCIL AND CITY MANAGER

In response to Councilor Mohr, Messenger stated there would be another off-street parking bill next quarter. Staff focus had been on the Time, Place, and Manner Ordinance; therefore, they had not had time to address the off-street parking situation.

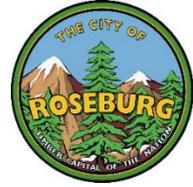
ADJOURNMENT

Mayor Rich adjourned the regular meeting at 9:32 p.m.

Autumn David

Autumn David
Management Staff Assistant

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



OREGON DEPARTMENT OF TRANSPORTATION FLEXIBLE SERVICE MAINTENANCE AGREEMENT

Meeting Date: May 22, 2023
Department: Public Works
www.cityofroseburg.org

Agenda Section: Consent
Staff Contact: Dawn Easley, PW Director
Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

Since 2005, the City and Oregon Department of Transportation (ODOT) have had an agreement that allows both entities to provide the other with certain maintenance services. The current agreement is expiring and ODOT is proposing a new ten year agreement. The issue for the Council is whether to authorize the City Manager to execute the agreement.

BACKGROUND

A. Council Action History.

On September 23, 2013, the City Council authorized the execution of a Flexible Service Maintenance Agreement with ODOT.

B. Analysis.

The City and ODOT work together on many maintenance activities in order to share resources and to deliver services as quickly and economically as possible. For instance, the State pays the City to sweep ODOT's roadways within the City (Washington, Oak, Stephens, Diamond Lake, and Harvard). The State has a storage facility for deicer, so the City buys all of its deicer from ODOT and picks it up at their maintenance facility in Green. If the City needs roadway striping paint and ODOT has it, we may use ODOT's paint and then replace it, or vice versa.

The proposed agreement would cover "patching, shouldering, ditching, sweeping, vegetation control, brushing, signing, landscaping, striping, bridge repair, guardrail repair, winter maintenance activities, hazardous material spills, drainage, traffic signal work, purchase of liquid asphalt, deicer, striping paint, and slurry sealing."

C. Financial/Resource Considerations.

This agreement proposes a maximum amount of \$600,000 over ten years. Any "project" over \$100,000 would still require a separate approval by the City Council, or any project over \$150,000 for the state would require additional approvals.

D. Timing Considerations.

The existing agreement expires on October 15, 2023.

COUNCIL OPTIONS

The Council has the following options:

1. Authorize execution of the Flexible Service Maintenance Agreement IGA with ODOT; or
2. Request additional information; or
3. Not move forward with the projects at this time.

STAFF RECOMMENDATION

The Public Works Commission discussed the IGA at their May 11, 2023, meeting and recommended the City Council authorize execution of the Flexible Service Maintenance Agreement IGA. Staff concurs with this recommendation.

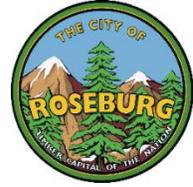
SUGGESTED MOTION

“I MOVE TO AUTHORIZE THE EXECUTION OF THE INTERGOVERNMENTAL FLEXIBLE SERVICE MAINTENANCE AGREEMENT WITH ODOT.”

ATTACHMENTS

None.

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



COMMUNITY DEVELOPMENT BLOCK GRANT CLOSE OUT COVID-19 EMERGENCY SMALL BUSINESS & MICROENTERPRISE ASSISTANCE

Meeting Date: May 22, 2023
Department: Community Development
www.cityofroseburg.org

Agenda Section: Public Hearing
Staff Contact: Stuart Cowie, Director
Telephone Number: 541-492-6750

ISSUE STATEMENT AND SUMMARY

On November 8, 2021, the City of Roseburg was awarded a \$500,000 Community Development Block Grant (CDBG) through Business Oregon to provide financial relief to small businesses and microenterprises within the City of Roseburg and Douglas County affected by COVID-19. The purpose of the public hearing is to make City Council aware that the funds were distributed and to officially close out the grant.

BACKGROUND

A. Council Action History.

On April 12, 2021, the Council held a public hearing and adopted Resolution 2021-08 authorizing an application for CDBG funds for COVID-19 emergency small business and microenterprise assistance.

A similar CDBG grant was utilized for COVID relief prior to this current grant funding in 2020, in which the City with assistance from the CCD Business Development Corporation distributed \$137,500 to businesses within the City and County struggling from the effects of the pandemic. We refer to this grant as COVID grant #1 and our current grant as COVID grant #2. COVID grant #1 was closed out on April 12, 2021, the same day in which Council authorized Resolution 2021-08 to apply for COVID grant #2.

B. Analysis.

In order to qualify for the most funding available, the City proposed that the grant be a joint project with both the City and County. The City would act as the "lead applicant", while Douglas County would be referred to as a "participating county." An Intergovernmental Agreement (IGA) to this effect was formed March 30, 2021. Partnering with the County enabled the City to request \$500,000 worth of funds, while applying alone would only enable the City to request \$100,000.

On February 16, 2022, the City of Roseburg officially entered into a contract with Business Oregon for \$500,000 of COVID relief funding. Shortly thereafter, an additional contract was developed between the City and the CCD Business Development Corporation, in

which CCD acted as the subgrantee for the project assisting in grant administration and allocating money to qualifying businesses in accordance with CDBG program requirements.

After deliberation with CCD, the grant was later amended on June 23, 2022. Initially, a portion of the money was set aside strictly for workforce and technical assistance training. However, after working with local businesses, it was determined, that funding would be best utilized by going directly to businesses themselves.

With the assistance of CCD, forty-two businesses received financial assistance throughout the County. Of these forty-two businesses, fifteen were located within the city limits of Roseburg. Grants ranged from between \$1,000 to \$25,000. A wide variety of industry was financially assisted, including:

- Service
- Restaurant
- Retail
- Brewery/Winery
- Manufacturing
- Construction
- Lodging

In all, \$470,000 were distributed throughout the community. The remaining \$30,000 went to CCD to cover administrative costs.

C. Financial/Resource Considerations.

If the grant is not closed out properly, the City could be held responsible for re-payment of portions of the grant.

D. Timing Considerations.

Holding the public hearing will enable Staff to close out the grant with the Business Oregon, the US Department of Housing and Urban Development and our local grant administrative partners, CCD.

COUNCIL OPTIONS

Council has the following options:

1. Direct staff to close out the COVID-19 emergency small business and microenterprise assistance CDBG grant; or
2. Request additional information prior to formally closing the COVID-19 emergency small business and microenterprise assistance CDBG grant.

STAFF RECOMMENDATION

Staff recommends that Council direct staff to close out the COVID-19 emergency small business and microenterprise assistance CDBG grant.

SUGGESTED MOTION

“I move to direct staff to officially close out the COVID-19 emergency small business and microenterprise assistance CDBG grant.”

ATTACHMENTS:

Attachment #1 – Legal Notice



NOTICE OF PUBLIC HEARING REGARDING COMPLETION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT

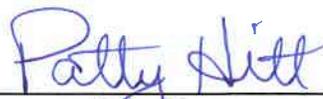
The City of Roseburg, Oregon is completing a Covid-19 Emergency Small Business and Microenterprise Grant Assistance project funded with Community Development Block Grant funds from the Oregon Business Development Department. The location of the project is: Douglas County, Oregon. It is estimated that the project has benefited at least 154 persons of whom 100% are low or moderate income.

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Roseburg City Council on **Monday, May 22, 2023** at 7:00 PM in the Council Chambers at 900 SE Douglas Avenue, Roseburg, Oregon 97470.

The purpose of the hearing is for the City of Roseburg City Council to obtain citizens views about the project and to take comments about the local government's performance. Written comments are also welcome and must be received by 4:00 p.m. on May 22, 2023 at 900 SE Douglas Avenue, Roseburg, Oregon 97470. Both oral and written comments will be reviewed by the City of Roseburg City Council.

More information about the Oregon Community Development Block Grant program and the project is available for public review at 900 SE Douglas Avenue, Roseburg, Oregon 97470 during regular office hours: Monday through Friday from 8:00 a.m. to 12:00 p.m. or 1:00 to 5:00 p.m. Advance notice is requested. Please contact the Roseburg Community Development Department, 900 SE Douglas Avenue, Roseburg, Oregon 97470, (541) 492-6750, or by email: cdd@cityofroseburg.org

Anyone having questions regarding the public hearing may contact Roseburg City Recorder, Patty Hitt, by calling 541-492-6866.



Patty Hitt, City Recorder

Posted on the City's website, at City Hall on Friday, May 12, 2023 and published in the News Review on Sunday, May 14, 2023.

AMERICANS WITH DISABILITIES ACT NOTICE

The location of the hearing is accessible to the disabled. Please contact the City Recorder's Office, Roseburg City Hall, 900 SE Douglas, Roseburg, OR 97470 (Phone 541-492-6866) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TTD users please call Oregon Telecommunications Relay at 1-800-735-2900.

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



PUBLIC HEARING ON SALE OF REAL PROPERTY 481 SE LELAND STREET

Meeting Date: May 22, 2023
Department: Administration
www.cityofroseburg.org

Agenda Section: Public Hearing
Staff Contact: Patty Hitt, City Recorder
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

Pursuant to RMC 3.20.020, the Council will be conducting a public hearing on the proposed sale of City-owned real property located at 481 SE Leland Street. The property includes a 0.17 acre lot with a single family residential home in disrepair.

BACKGROUND

A. Council Action History.

April 10, 2023: Staff informed Council it had received an offer via email for the purchase of the property. Council declared the property surplus to the City's needs and directed the City Manager to cause notice to be published, as set forth in Section 3.20.020B, and to be listed with a local realtor.

B. Analysis.

481 SE Leland Street is a single-family home located on 0.17 acres. The house is in disrepair. The property was registered as derelict in 2020. Over the next year and a half, the property owner failed to abate the nuisance, bring the property into compliance and pay the required fines. Roseburg Municipal Code Subsection 4.04.190 gives the City authority to foreclose on real property on which City liens have been filed if the property owner remains delinquent on the total assessment. On November 8, 2021, the City conducted a public auction on two properties, including 481 SE Leland Street. No one from the public bid on this property, so the City chose to purchase the property. The property was deeded to the City on November 28, 2022, following the required one-year redemption period. Although has significant issues with the roof, the house has potential to be refurbished as a single family home. The property is served by the City's water system and the public sewer system. The appropriate permits will need to be obtained through both the City and County prior to refurbishing.

The City contracted with John McVeigh, The Neil Company Real Estate, to market this property. The parcel was marketed for sale at \$40,000.

The following offers have been received to date and are being presented for Council consideration:

1. Lucia Rivera: Cash offer of \$65,000 with closing no later than May 31, 2023.
2. Fox Investment Trust: cash offer of \$62,000. Offer expires May 23, 2023.
3. Mark Columbus: cash offer of \$53,525 with closing no later than May 26, 2023.
4. Meu Homes LLC: Cash offer of \$53,000 with closing no later than June 19, 2023.
5. Gabriel Hernandez: Cash offer of 45,000 with closing no later than May 31, 2023.
6. Todd Quint: cash offer of \$40,000 with closing no later than June 12, 2023.
7. Magnus Johnson: cash offer of \$40,000 with closing no later than June 7, 2023.
8. Scott Jordan: cash offer of \$40,000 with closing no later than May 22, 2023.

C. Financial/Resource Considerations.

To date, the City has spent \$17,665 in abatement costs on this property. The real market value for the property and house as listed on the Douglas County Assessor's page is \$157,321. This value does not appear to account for the condition of the house. Selling the property for any of the offered prices would recoup all of the City's costs.

D. Timing Considerations.

All of the offers have short timelines to close. In order to meet the closing date proposed in the highest offer, Council will need to make a decision at the May 22 Council meeting.

COUNCIL OPTIONS

Per 3.20.020(D), the Council, in its sole discretion, has the following options at the conclusion of the public hearing:

1. Accept one of the offers received on the property; or
2. Direct that a counter offer be made on an offer; or
3. Reject the offers and continue the property listing; or
4. Reject all offers received and direct that the property not be sold; or
5. Reject all offers and direct Staff to conduct an appraisal of the property.

As required by ORS 221.725 and the Municipal Code, notice of the proposed sale and a public hearing hereon was published in the News Review on May 16, 2023. Should additional offers be presented prior to or during the public hearing, the City Council would have the following additional options:

1. Proceed to accept one of the offers presented; or
2. Direct the City's realtor to negotiate with all interested parties. In that event, should a higher offer be received and appropriate earnest money filed, the new offer(s) will need to be published in the News Review and another public hearing conducted at a subsequent City Council meeting.

STAFF RECOMMENDATION

The offer from Lucia Rivera of \$65,000 is the highest offer and has no contingencies beyond a clear title report. Staff would recommend the Council accept this offer.

SUGGESTED MOTION

“I MOVE TO ACCEPT THE OFFER OF \$65,000 FROM LUCIA RIVERA FOR THE PROPERTY LOCATED AT 481 SE LELAND STREET.”

ATTACHMENTS:

Attachment #1 – Public Hearing Notice

Attachment #2 – Aerial Photo

Attachment #3 – Property Map

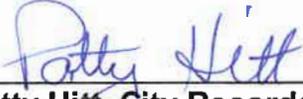


**NOTICE OF PROPOSED SALE AGREEMENT FOR
PROPERTY TAX LOT #T27-R05W-19AD-04400
AND PUBLIC HEARING RELATED HERETO**

NOTICE IS HEREBY GIVEN that the City of Roseburg has received a notice of intent to purchase the real property located at 481 SE Leland Street. The property includes a single residential home on 0.17 acres. The property is the site of a home that was registered as derelict in 2020. When the owner failed to pay the derelict fees and overdue payment charges, liens were filed against the property which was later foreclosed. The City took possession of the property after it went into foreclosure. The home had been damaged, but has potential to be renovated for occupancy. The property was declared surplus to the needs of the City on February 13, 2023.

A public hearing to consider the sale of this property will be held on Monday, May 22, 2023 at 7:00 p.m. in the Council Chambers at 900 SE Douglas Avenue, Roseburg, Oregon 97470. Public comments regarding the proposed sale and the offer being considered will be heard during the public hearing prior to the Council accepting a final offer.

Anyone desiring more information regarding the property subject to this notice, or subsequent public hearing related thereto, may contact City Recorder Patty Hitt by calling 541-492-6866 or phitt@cityofroseburg.org.



Patty Hitt, City Recorder

Posted on the City's website, at City Hall and published in the News Review on Tuesday, May 16, 2023.

*****AMERICANS WITH DISABILITIES ACT NOTICE*****

Please contact the City Recorder's Office, Roseburg City Hall, 900 SE Douglas, Roseburg, OR 97470 (Phone (541) 492-6866) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TTD users please call Oregon Telecommunications Relay at 1 (800) 735-2900.



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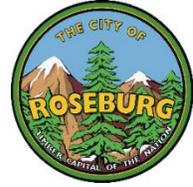
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ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



PURCHASE AND INSTALLATION OF RADIO SYSTEM UTILIZING INTERSTATE COOPERATIVE PURCHASING AGREEMENT RESOLUTION NO. 2023-15

Meeting Date: May 22, 2023
Department: Police/Fire/Public Works
www.cityofroseburg.org

Agenda Section: Public Hearing
Staff Contact: Chief Gary Klopfenstein
Contact Telephone Number: 541-492-6760

ISSUE STATEMENT AND SUMMARY

Staff is seeking authorization to purchase and install a new three-channel Motorola radio system on Reservoir Hill, utilizing the National Association of State Procurement Officials (NASPO) ValuePoint cooperative purchasing program.

BACKGROUND

A. Council Action History.

At the March 13, 2023, Council meeting, Council approved the use of ARPA funds for the radio project.

B. Analysis.

Since at least the 1990s, Roseburg has had three wideband radio channels for Police, Fire, and Public Works. In 2013, the Federal Communications Commission (FCC) banned the use of wideband radio channels in Oregon. There is only a finite amount of space for radio frequencies, and each wideband channel was split into two narrowband channels.

The City of Roseburg currently does not have a functioning radio system, and is solely reliant upon the Douglas County radio system. Roseburg has no dedicated radio channels to communicate within respective departments. There are frequently events, incidents or trainings where City staff needs a dedicated radio channel for communication. For example, Police recently conducted a training where it would have provided more realism to use radios, but Douglas County did not have a channel available to use. Fire consistently conducts training over shared countywide channels with other agencies trying to utilize those channels at the same time.

The addition of a new radio system will also ensure Roseburg has redundancy for radio use. During "Snowmageddon," the Douglas County radio system went offline. If Roseburg again has its own radio system, it will have redundancy that will allow for

internal communication, and ensure the City is not completely reliant on the County's aging system.

In 2022, Roseburg purchased three narrowband radio channels for Police, Fire, and Public Works, respectively. The City has the infrastructure needed to accommodate a new radio system on Reservoir Hill. This includes an existing tower, electricity, and a climate controlled building to house radio equipment.

Almost all of Roseburg's current radio equipment is Motorola. Roseburg has found Motorola radio products to be superior to other brands, specifically as it relates to interoperability, ease of use, durability, and overall quality. Day Wireless Systems is the regional vendor for Motorola in this area. Motorola is a contract vendor with the NASPO ValuePoint cooperative purchasing program (Contract Master Agreement #00318). Oregon State is a participating member of NASPO and has adopted Contract Master Agreement #00318.

The purchase and installation of the Motorola radio system by Day Wireless Systems is being treated as a special procurement exempt from competitive bidding. As such, staff has issued a notice of intent to use a cooperative purchasing agreement outlining the public hearing process exempting the purchase from competitive bidding. This was accomplished with a seven day notice prior to the public hearing scheduled for the May 22nd, City Council meeting. The attached resolution outlines the findings related to the exemption from competitive bidding.

Day Wireless Systems provided Roseburg with the following project quote:

Motorola equipment:	\$ 59,880.00
Day Wireless equipment and installation:	\$ 94,979.56
Subtotal	\$154,859.56
Contingency:	\$ 10,000.00
Total:	\$164,859.56

C. Financial/Resource Considerations.

ARPA funding is available to make this purchase.

D. Timing Considerations.

There are no timing issues; however, radio equipment increased by \$1,200 between November and now, and is expected to continue to increase. Purchasing and installing the radio system will be a step in Council's goal addressing the City's emergency preparedness.

COUNCIL OPTIONS

1. Authorize the purchase and installation of a radio system for \$154,859.56 from Day Wireless Systems, or;
2. Not authorize the purchase.

STAFF RECOMMENDATION

Staff recommends Council authorize the purchase and installation of a Motorola radio system from Day Wireless Systems for \$154,859.56 utilizing the NASPO cooperative purchasing agreement.

SUGGESTED MOTION

“I MOVE TO ADOPT RESOLUTION NO. 2023-15 AND AUTHORIZE THE USE OF AN INTERSTATE COOPERTIVE PURCHASING AGREEMENT AND EXEMPTION FROM COMPETETIVE BIDDING TO AWARD THE PURCHASE AND INSTALLATION OF A MOTOROLA RADIO SYSTEM FROM DAY WIRELESS SYSTEMS UTILIZING \$154,859.56 OF ARPA FUNDS.”

ATTACHMENTS:

Resolution No. 2023-15: A Resolution Exempting the Purchase and Installation of a Motorola Radio System from the Competitive Bid Process.

RESOLUTION NO. 2023-15

A RESOLUTION EXEMPTING THE PURCHASE OF A MOTOROLA RADIO SYSTEM FROM THE COMPETITIVE BID PROCESS

WHEREAS: under the authority of ORS 279A.220, the City plans to utilize National Association of State Procurement Officials (NASPO) Contract Master Agreement #00318 to purchase new Motorola Radio equipment; and

WHEREAS: Day Wireless Systems is the regional supplier of Motorola Radio equipment and has provided a quote for the purchase and installation of a Motorola Radio System that meets the City's needs; and

WHEREAS: the City recently published its intent to procure the Motorola radio system through an interstate cooperative procurement process in the News Review and the Daily Journal of Commerce for seven days and, therefore, finds using such procurement process is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts; and

WHEREAS: the procurement further substantially promotes the public interest in a manner that could not be realized by complying with the requirements that are applicable in ORS 279B.055, 279B.060, 279B.065 or 279B.070; and

WHEREAS: almost all of Roseburg's current radio equipment is Motorola, and Roseburg has found Motorola radio products to be superior to other brands, specifically as it relates to interoperability, ease of use, durability, and overall quality.

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

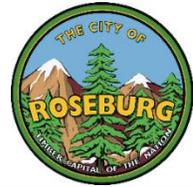
SECTION 1. Based on the above findings, which are incorporated herein by this reference, and under Roseburg Municipal Code Section 3.06.025(E), the Council hereby determines that entering into a contract with Day Wireless Systems for the purchase and installation of a Motorola radio system utilizing NASPO Contract Master Agreement #00318, will ensure the City will have a quality radio system for use by Police, Fire and Public Works.

SECTION 2. The Council hereby exempts the purchase and installation contract between the City and Day Wireless for purchase of a Motorola Radio System from competitive bidding. The exemption granted in this resolution shall in no way impair the City's ability to elect, in the future, to award related contracts to other qualified radio vendors.

**APPROVED BY THE COUNCIL OF THE CITY OF ROSEBURG, OREGON, AT ITS
REGULAR MEETING ON THE 22nd DAY OF MAY, 2023.**

PATTY HITT / CITY RECORDER

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



ANNUAL FEE ADJUSTMENTS

Meeting Date: May 22, 2023
Department: Administration
www.cityofroseburg.org

Agenda Section: Resolutions
Staff Contact: Patty Hitt, City Recorder
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

Pursuant to previously adopted City Council resolutions, fees are to be adjusted annually based on either the CPI-U West index or the March Construction Cost Index (CCI) to account for the increased cost to provide those services.

BACKGROUND

A. Council Action History.

Unless special circumstances arise in the course of the fiscal year, the City Council generally takes action each May to adjust fees effective July 1st.

B. Analysis.

City of Roseburg fees were originally adopted through two resolutions: Resolution No. 91-18 applied to water service related fees; and Resolution No 92-13 applied to all other fees. Therefore, there are two resolutions attached for your consideration. The attached Resolutions incorporate all of the adjustments described in this section.

1. **Airport Facilities:** Rent/Lease Rates for the Airport are adjusted annually using the CPI (CPI-U West index) and rounded to the nearest dollar, with a maximum increase of 3%. The CPI-U West increase is 8%; therefore, the proposed increase would be 3%.
2. **Business Permits/Licenses:** The linear foot fee for non-carrier telecommunication providers that occupy the public way, but have no customers in the City, shall be adjusted annually in accordance with the current CPI (CPI-U West index) rate, which is currently 8%. However, staff proposes an increase of 5%.
3. **Community Development - Planning:** In compliance with Resolution No. 2008-10, all Department fees are to be adjusted by the current CPI (CPI-U West index) rate, which is currently 8%. However, staff proposes an increase of 5%

Propose adding "Peer Review" as a new fee which establishes a fee for the evaluation of technical reports to maintain quality standards and provide credibility. The fee will be the actual cost of obtaining the evaluation.

4. **Fire Department:** Pursuant to Resolution 2006-02, Fire Department service fees are to be adjusted annually based on the current CPI (CPI-U West index) rate, which is currently 8%. However, staff proposes an increase of 5%.
5. **System Development Charges:** System Development Charges are to be adjusted annually based upon the March Construction Cost Index (CCI) as reported in the Engineering News Record twenty-city average with an inflation factor cap of 5% per year. This year's CCI is 3.01%.
6. **Water:** Water Service (monthly) fees, both demand and commodity charges, are to be adjusted annually based on the current CPI (CPI-U West index). The current CPI-U West rate is 8%. Staff proposes an increase of 5%. Water System Development charges are proposed to be increased by the CCI, 3.01%.

Staff proposes to remove the "This program expired October 15, 2017" under the Dixonville Maintenance Fee. This charge is in addition to the Outside Water Service Fee already in effect. Costs of maintaining the Dixonville system, past and future capital improvement projects continue to justify the additional fee.

C. Financial/Resource Considerations.

The proposed fee increases will help the City to offset the cost of services.

D. Timing Considerations.

In order to implement the fees on a fiscal year basis, the fee amendment resolutions should be adopted as soon as to allow Staff sufficient opportunity to prepare for implementation.

COUNCIL OPTIONS

Council has the option to:

- Adopt the fee resolutions as presented; or
- Make amendments to fees and adopt the resolutions as amended; or
- Request additional information; or
- Take no action.

STAFF RECOMMENDATION

Staff recommends Council adopt the resolutions as presented.

SUGGESTED MOTION

1. ***"I MOVE TO ADOPT RESOLUTION NO. 2023-12 AMENDING RESOLUTION NO. 92-13 REGARDING FEES."***
2. ***"I MOVE TO ADOPT RESOLUTION NO. 2023-13 AMENDING RESOLUTION NO. 91-18 REGARDING WATER FEES."***

ATTACHMENTS:

Attachment #1 – Resolution No. 2023-12 Amending Fees

Attachment #2 – Resolution No. 2023-13 Amending Water Fees

RESOLUTION NO. 2023-12

A RESOLUTION AMENDING RESOLUTION NO. 92-13 REGARDING FEES

WHEREAS, Resolution No. 2006-02 and Resolution No. 2008-10 require annual adjustments to Fire Department and Community Development Department fees be made based upon the CPI (CPI-U West) index. That adjustment is 8%, however, staff proposes an increase of 5% for calendar year 2023; and

WHEREAS, Resolution No. 2006-12 requires annual adjustments to certain Airport fees be made based upon the CPI (CPI-U West) index for the preceding calendar year up to a maximum of 3%. The current CPI index is 8%; the proposed adjustment will be capped for an increase of 3%; and

WHEREAS, Systems Development Charges are to be adjusted annually based upon the March Construction Cost Index up to a maximum of 5%. The current March Construction Cost index is 3.01%; and

WHEREAS, monthly storm drainage rates are to be adjusted annually based on the CPI-U West index, December to December and become effective July of each year. The current CPI-U West index is 8%, however, staff proposes an increase of 5%; and

WHEREAS, Roseburg Municipal Code Section 9.25.110(B) establishes that the linear foot fee for non-carrier telecommunication providers that occupy the public way but have no customers in the City shall be adjusted annually in accordance with the CPI (CPI-U West) index. That adjustment is 8%, however staff proposes an increase of 5%; and

WHEREAS, the Peer Review fee establishes a fee for the evaluation of technical reports submitted to the City by other professionals working in the same field. Peer review methods are used to maintain quality standards and provide credibility. The fee will be the actual cost of obtaining the evaluation.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSEBURG that:

Section 1. AIRPORT FACILITIES – Effective July 1, 2023, the below-listed Airport Facilities fees will be adjusted as follows:

Rent/Lease Rates (Monthly):

Additional North-End Corporate Hanger Parking Space	24.00	25.00
Commercial “Lear”	820.00	845.00
Corporate Hangar Space & Aviation Suites (annual per square foot)	0.3208 per s.f.	<u>0.3304 per s.f.</u>
Storage Units B, G, H, I	83.00	<u>85.00</u>

Storage Unit J	400.00	<u>103.00</u>
Storage Unit F	64.00	<u>63.00</u>
T-Hangar single (except I-5, I-9, I-14)	253.00	<u>261.00</u>
T-Hangar single (North end I-5, I-9, I-14)	185.00	<u>191.00</u>
T-Hangar twin	466.00	<u>480.00</u>
T-Hangar Single Daily Rate	23.00	<u>24.00</u>
T-Hangar Twin Daily Rate	34.00	<u>35.00</u>
T-Hangars Row "C"	216.00	<u>222.00</u>
Tie-Downs single (per space)	41.00	<u>42.00</u>
Tie-Downs twin (<i>per space</i>)	69.00	<u>71.00</u>

Section 2. BUSINESS PERMITS/LICENSES – Effective July 1, 2023, the below-listed Business Permits/Licenses fees will be added to the fee schedule and adjusted as follows:

Telecommunication Providers:

*Non Carrier w/facilities in right-of-way but No City Customers (annual per linear foot of public way occupied) ~~2.5493 per linear foot~~ 2.6768 per linear foot

Section 3. COMMUNITY DEVELOPMENT – PLANNING – Effective July 1, 2023, the below-listed Community Development – Planning fees will be adjusted as follows:

Administrative Function (<i>i.e. address, land use compatibility statement LUCS, DMV</i>)	34.00	<u>36.00</u>
Amendment (<i>Conditions, Findings and Plat</i>)	327.00	<u>343.00</u>
Annexation:		
Petition Initiated	786.00	<u>825.00</u>
Appeals:		
Dangerous Building Abatement (<i>to City Manager then Council</i>)	327.00	<u>343.00</u>
Nuisance Abatement (<i>to City Manager then Council</i>)	282.00	<u>296.00</u>
Boundary Line Adjustment	261.00	<u>274.00</u>
<u>Resubmittal Fee (30% of the required application fee for the initial application)</u>		
Comprehensive Plan Amendment (<i>Map/Text</i>)	1,574.00	<u>1,653.00</u>
Urban Growth Boundary	1,963.00	<u>2,061.00</u>
<u>Resubmittal Fee (Map) (30% of the required application fee for the initial application)</u>		
Conditional Use Permit	654.00	<u>687.00</u>
Day Care	327.00	<u>343.00</u>
<u>Resubmittal Fee (30% of the required application fee for the initial application)</u>		

Demolition Permit	37.00	<u>39.00</u>
Derelict Building Registration:		
Application		
Residential	331.00	<u>348.00</u>
Commercial	599.00	<u>629.00</u>
Monthly Registration <i>for each month or portion thereof building is registered for the first six months</i>		
Residential	131.00	<u>138.00</u>
Commercial	599.00	<u>629.00</u>
Extension – Monthly Registration <i>for each month or portion thereof building is registered after six months</i>		
Residential	260.00	<u>273.00</u>
Commercial	1,217.00	<u>1,278.00</u>
Delinquent Payment Penalty <i>(for each monthly payment more than 30 days past due)</i>		
Residential	131.00	<u>138.00</u>
Commercial	599.00	<u>629.00</u>
Expedited Land Use Action <i>(plus \$100 postage)</i>	2,092.00	<u>2,197.00</u>
Grading Plan:		
Single Family Unit/Duplex	65.00	<u>68.00</u>
Other	327.00	<u>343.00</u>
Historic Structure – Alteration/Construction/Demolition with HRRC public hearing (plus corresponding Site Review Fee)	65.00	<u>68.00</u>
Non-Conforming Use Alteration	196.00	<u>206.00</u>
<u>Resubmittal Fee (30% of the required application fee for the initial application)</u>		
Partition:	525.00	<u>551.00</u>
<u>Resubmittal Fee (30% of the required application fee for the initial application)</u>		
Peer Review (new fee)		Actual Cost
Planned Development:		
Preliminary <i>(plus \$10.00 per lot)</i>	1,177.00	<u>1,236.00</u>
Final	131.00	<u>138.00</u>
First Resubmittal		0.00
Resubmittal Fee	131.00	<u>138.00</u>
Construction Review	131.00	<u>138.00</u>
Preliminary Application Conference	131.00	<u>138.00</u>

Site Plan Review:

Above Ground Storage Tank	261.00	<u>274.00</u>
Alteration/Remodel Single Family Unit/Duplex	45.00	<u>47.00</u>
Alteration/Remodel Commercial/Industrial	65.00	<u>68.00</u>
Floodplain Review	192.00	<u>202.00</u>
New Construction Single Family Unit/Duplex	131.00	<u>138.00</u>
Commercial/Industrial/Other	456.00	<u>479.00</u>
Mobile Home Park	456.00	<u>479.00</u>
<u>Resubmittal Fee (30% of the required application fee for the initial application)</u>		

Site Plan Review – Signs:

Area – 0 to 32 square feet	27.00	<u>28.00</u>
Area – 33 to 60 square feet	40.00	<u>42.00</u>
Area – 61 to 99 square feet	45.00	<u>47.00</u>
Area – 100 to 250 square feet	65.00	<u>68.00</u>
Freestanding (in addition to above)	27.00	<u>28.00</u>
Temporary (30 days or less)	23.00	<u>24.00</u>
Temporary Sign Refundable Deposit	56.00	<u>59.00</u>
<u>Resubmittal Fee (30% of the required application fee for the initial application)</u>		

Subdivision:

Preliminary (plus \$10.00 per lot)	1,177.00	<u>1,236.00</u>
Construction Plan Review	131.00	<u>138.00</u>
Final Plat	131.00	<u>138.00</u>
Replat	456.00	<u>479.00</u>
First Resubmittal		0.00
Resubmittal Fee	131.00	<u>138.00</u>

Temporary Use Permit:

Family Hardship/Structure [<i>City Manager and/or Community Development Director can waive fee based on financial hardship</i>]	131.00	<u>138.00</u>
<u>Resubmittal Fee (30% of the required application fee for the initial application)</u>		
Use/Zoning, Etc.	131.00	<u>138.00</u>

Vacation (Street, Alley, Easements) (plus deposit for costs as determined by the City Recorder)

	456.00	479.00
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Variance:

Administrative	261.00	<u>274.00</u>
Public Hearing before Planning Commission	525.00	<u>551.00</u>
Riparian Setback	196.00	<u>206.00</u>
<u>Resubmittal Fee (30% of the required application fee for the initial application)</u>		

Water Service Request for Outside City Limits:

Residential – Single Family	131.00	<u>138.00</u>
Residential – Other	327.00	<u>343.00</u>
Commercial	456.00	<u>479.00</u>

Zone Change	980.00	<u>1,029.00</u>
<u>Resubmittal Fee (30% of the required application fee for the initial application)</u>		

Section 4. FIRE DEPARTMENT – Effective July 1, 2023, the below-listed Fire Department fees will be adjusted as follows:

False Alarm Response Fee to be assessed for the 3 rd through 6 th false alarm for the same location within any calendar year (partial reimbursement)	359.00 each	<u>377.00 each</u>
7 th and each subsequent false alarm (full reimbursement)	834.00 each	<u>876.00 each</u>

False Alarm Appeal Fee	139.00	<u>146.00</u>
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Inspections

Illegal Occupancy	395.00	<u>415.00</u>
Exceeding maximum occupant load	182.00	<u>191.00</u>
“A” Occupancy Inspections (after hours)	411.00	<u>117.00</u>

Unmitigated violations - Subsequent re-inspections

1st re-inspection visit	182.00 / <u>191.00</u> per facility plus 33.00 per violation class
2nd re-inspection visit	323.00 / <u>339.00</u> per facility plus 33.00 per violation class
3rd & subsequent re-inspection visits	573.00 / <u>602.00</u> per facility plus 33.00 per violation class

Permits

Blasting	180.00	<u>189.00</u>
Fire works including retail sales inspection		
Booth	144.00	<u>151.00</u>
Tent	180.00	<u>189.00</u>
Display	359.00	<u>377.00</u>
Storage Tanks		
Installation	180.00	<u>189.00</u>
Removal	109.00	<u>114.00</u>

On-Site Inspections

Underground piping		
Flushing	408.00	<u>113.00</u>
Hydrostatic test	408.00	<u>113.00</u>
Aboveground Piping		
Modifications/Remodels	408.00	<u>113.00</u>
Sprinkler System Pre-Cover (\$50.00 minimum)	408.00/hr	<u>113.00/hr</u>
Hydrostatic Test	408.00	<u>113.00</u>
Pneumatic Test	408.00	<u>113.00</u>
Dry Piping Trip Test	408.00	<u>113.00</u>
Standpipes	408.00	<u>113.00</u>
Fire Alarm Systems	408.00/hr	<u>113.00/hr</u>
Missed Appointment Fee	408.00	<u>113.00</u>
Smoke Removal Systems	408.00	<u>113.00</u>

Final Inspection (\$100.00 minimum)	408.00/hr	<u>113.00/hr</u>
New Hydrant Installation Inspection and flushing per Hydrant	180.00	<u>189.00</u>

Additional Inspections

Clean Agent System (site inspection/room integrity flow & alarm test)	180.00	<u>189.00</u>
Commercial Cooking Suppression System (site inspection / trip test)	144.00	<u>151.00</u>
Special Requested Inspection (typically business insurance purposes)	134.00/hr	<u>141.00/hr</u>
Spray Booths (site inspection/trip test)	180.00	<u>189.00</u>
Temporary Membrane Structures, Tents and Canopies	108.00	<u>113.00</u>

Plan Review

Including Deferred Submittals (\$50.00 minimum if less than 1 hour)	108.00/hr	<u>113.00/hr</u>
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Mechanical Inspection

Fire Smoke Damper (per damper)	22.00	<u>23.00</u>
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Site Review/Consultation

First hour free - Each additional hour per project	108.00/hr	<u>113.00/hr</u>
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Hazardous Materials

One hour minimum - Non-State Team Response	359.00	<u>377.00</u>
After first hour (fractional thereafter (1/4 hour) Actual wage & benefit of employees		

Section 5. PARKS DIVISION – Effective July 1, 2023, the below-listed Park Division fees will be adjusted as follows:

System Development Charge: <i>(Per Equivalent Residential Unit [ERU] for new development)</i>	695.00	<u>717.00</u>
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Section 6. PUBLIC WORKS DEPARTMENT – Effective July 1, 2023, the below-listed Public Works Department fees will be adjusted as follows:

Transportation System Development Charge: <i>(for new development)</i>		
Methodology (Resolution #2014-1)	3,333.00	<u>Per Trip-End 3,436.00</u>

Pursuant to Resolution #2014-2, Transportation SDC's are imposed at 25% or \$859 per trip end.

Section 7. STORM DRAINAGE – Effective July 1, 2023, the below-listed Storm Drainage fees will be adjusted as follows:

Storm Drainage System Development Charge - Connection Charge:		
For a single family unit	1,188.00	<u>1,224.00</u>
Minimum	1,188.00	<u>1,224.00</u>

Storm Drainage Service (*Monthly*):

For a single family unit	8.49	<u>8.91</u>
For other residentially used property, per dwelling unit or per space	8.49	<u>8.91</u>
For all non-residential property receiving storm drainage service per ERU	8.49	<u>8.91</u>

Section 8. This resolution shall become effective immediately upon adoption by the Roseburg City Council May 22, 2023

**ADOPTED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING
ON THE 22nd DAY OF MAY, 2023.**

Patty Hitt, City Recorder

RESOLUTION NO. 2023-13

A RESOLUTION AMENDING RESOLUTION NO. 19-18 REGARDING WATER FEES

WHEREAS, Certain Water System Development Charges are to be adjusted annually based upon the March Construction Cost index up to a maximum of 5%. The current March Construction Cost index is 3.01%; and

WHEREAS, per Resolution No. 2022-16, the monthly demand and per unit water service rates are to be adjusted annually based on the CPI-U West index, December to December and become effective July of each year. The current CPI-U West index is 8%; staff proposes an adjustment of 5%.

WHEREAS, under Dixonville Maintenance Fee add \$10.00 fee.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Roseburg, that Resolution No. 91-18 adopted by the City Council on June 24, 1991, is amended as follows:

Section 1. Effective July 1, 2023, the following Water fees shall be adjusted as follows:

Systems Development Charge

All service connections, **except** one- and two-family residential combined domestic/fire, shall pay the following:

Water System Development Charge:

<u>Meter Size</u>		
5/8" x 3/4"	2,592.00	2,673.00
3/4" x 3/4"	3,886.00	4,007.00
1"	6,480.00	6,680.00
1 1/2"	12,958.00	13,360.00
2"	20,736.00	21,379.00
3"	45,359.00	46,765.00
4"	77,755.00	80,165.00
6"	174,951.00	180,374.00
8"	207,347.00	213,774.00

Section 2. Effective July 1, 2023, the following Water fees will be adjusted as follows:

Monthly Water Service Rates including Temporary Service:

Commodity Charge per Unit (per 100 cubic feet)	2.06	2.16
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Monthly Demand Charge:

3/4" Level 1	17.01	17.86
3/4" Level 2	22.94	24.09

3/4" Level 3	28.87	30.31
3/4" Level 4	34.79	36.53
1" Level 1	42.71	44.85
1" Level 2	48.63	51.06
1" Level 3	54.57	57.30
1 1/2" Level 1	66.05	69.35
1 1/2" Level 2	71.98	75.58
1 1/2" Level 3	77.67	81.55
2" Level 1	93.99	98.69
2" Level 2	99.92	104.92
3" Level 1	145.44	152.71
4" Level 1	192.69	202.32
6" Level 1	363.26	381.42
8" Level 1	543.64	570.82
10" Level 1	729.05	765.50

Section 3. Effective July 1, 2023, the Commodity Charge the following commodity charges shall be adjusted as follows:

Public Agency Fire Hydrant Use

Bulk Water (per 100 cubic feet)	2.06	2.16
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Hydrant Meter and Double Check Assembly

Bulk Water (per 100 cubic feet)	2.06	2.16
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Section 4. Effective July 1, 2023, under the Dixonville Maintenance Fee, will be adjusted as follows:

Dixonville Maintenance Fee	10.00
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Section 5. This resolution shall become effective immediately upon adoption by the Roseburg City Council May 22, 2023.

**ADOPTED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING
ON THE 22nd DAY OF MAY, 2023.**

Patty Hitt, City Recorder

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



RESOLUTION NO. 2023-14 UPDATING THE PARKS RULES AND REGULATIONS

Meeting Date: May 22, 2023
Department: Public Works
www.cityofroseburg.org

Agenda Section: Resolution
Staff Contact: Dawn Easley, PW Director
Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

Oregon Revised Statute 195.530 requires, "Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness". The City is in the process of updating all rules that may be interpreted as regulating these acts. The issue for the Council is whether to adopt Resolution 2023-14 updating the Parks Rules and Regulations.

BACKGROUND

A. Council Action History.

The Council heard First Reading of Ordinance No. 3586, an ordinance repealing and replacing section 7.02.100 of the Roseburg Municipal Code (RMC) at the May 8, 2023, meeting. The Council last updated the Parks Rules and Regulations at the March 14, 2022, meeting via Resolution No. 2022-05.

B. Analysis.

The Park Rules restrict the hours a person is permitted in a public park to between dusk and dawn and prohibits overnight camping. The proposed amendment to RMC 7.02.100 Prohibited Camping may conflict with these park rules regarding individuals experiencing homelessness. Staff seeks to amend Park Rules and Regulations to align with the proposed amendment to RMC 7.02.100 regulating time, place and manner.

The proposed changes include the following:

- Adding definition of vehicle as ORS 801.590
- Adding "unless allowed by Roseburg Municipal Code (RMC) 7.02.100 to section 1.2 (no overnight camping)
- Adding an overnight parking prohibition except as allowed by RMC 7.02.100
- Simplifying the description of prohibited smoking
- Changes authorization for horses or livestock in parks from "City" to Public Works Director

- Adds Movies in the Park as an organized event excepted from the dusk to dawn closure time
- Adds as allowed by RMC 7.02.100 as an exemption from the dusk to dawn closure time
- Revises language regarding where/what vehicles are allowed within parks other than on public roads and parking lots.
- Limits amount of time a vehicle can remain in a park in a 24 hour period to 12 hours
- Removes deposit language from inflatable structure section

C. Financial/Resource Considerations.

None

D. Timing Considerations.

At the May 22 City Council meeting, the Council will consider second reading and adoption of Ordinance No. 3586: repealing and replacing RMC Section 7.02.100 Prohibited Camping, with a proposed effective date of July 1, 2023.

COUNCIL OPTIONS

1. Adopt the attached resolution updating the Parks Rules and Regulations to include reference to RMC 7.02.100 and additional minor updates; or
2. Request additional information; or
3. Take no action.

STAFF RECOMMENDATION

The Parks and Recreation Commission discussed the proposed updates to the parks rules at their May 3, 2023, meeting. The Commission suggested minor changes to the draft parks rules and regulations update and recommended the Council adoption. The changes have been included and staff concurs with the Commission's recommendation to adopt the new Parks Rules and Regulations.

SUGGESTED MOTION

"I MOVE TO ADOPT RESOLUTION NO. 2023-14, A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 2022-05 REGARDING THE CITY OF ROSEBURG PARKS RULES AND REGULATIONS."

ATTACHMENTS:

Attachment #1 – Resolution 2023-14

Attachment #2 – Exhibit "A" Proposed City of Roseburg Parks Rules and Regulations

RESOLUTION NO. 2023-14

**A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 2022-05
REGARDING THE CITY OF ROSEBURG PARKS RULES AND REGULATIONS.**

WHEREAS, general rules and regulations for the City of Roseburg's parks system were approved by the Roseburg City Council through the adoption of Resolution 2022-05 on March 14, 2022; and

WHEREAS, the current park rules and regulations pre-date ORS 195.530 and the City's adoption of Ordinance 3586 updating the Roseburg Municipal Code Section 7.02.100 regarding prohibited camping; and

WHEREAS, the City of Roseburg Parks & Recreation Commission determined that the Park Rules and Regulations should be updated to align with the proposed amendment to RMC 7.02.100; and

WHEREAS, these changes are intended to address areas of Park Rules and Regulations that may conflict with RMC 7.02.100; and

WHEREAS, it has been determined to be most advantageous to have all rules and regulations relating to the general use of all City parks incorporated into one document.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSEBURG that:

Section 1. Resolution No. 2022-05 as adopted on March 14, 2022, is hereby repealed.

Section 2. The City of Roseburg Parks Rules and Regulations, attached hereto as Exhibit "A," are hereby adopted and enforceable under Roseburg Municipal Code Chapter 1.06.

Section 3. This resolution shall become effective July 1, 2023 by the Roseburg City Council.

**ADOPTED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING
ON THE 22nd DAY OF MAY, 2023.**

Patty Hitt, City Recorder

**CITY OF ROSEBURG
PARKS RULES AND REGULATIONS**

The following City of Roseburg Parks Rules and Regulations, adopted by the Roseburg City Council on May 22, 2023, via Resolution No. 2023-14, shall be observed within the public parks of the City of Roseburg, Oregon effective July 1, 2023. As used herein, the words “public park” shall mean and include all property now or hereafter owned and/or controlled by the City of Roseburg, Oregon, and operated as a park or an area of City beautification available for the use of the public. As used herein, the definition of “vehicle” shall be from Oregon Revised Statute 801.590.

1. GENERAL RULES OF CONDUCT IN CITY PARKS. The following rules and regulations for the conduct of persons using the public parks of the City of Roseburg, Oregon are hereby established and shall be observed and enforced within said public parks:

- 1.1** No person shall build any fire within any public park except as permitted in a stove or fireplace designed and provided therefore.
- 1.2** No overnight camping will be permitted in any park or part thereof without prior approval by the Public Works Director unless allowed by Roseburg Municipal Code (RMC) 7.02.100.
- 1.3** No person will be permitted to park overnight in a park parking lot unless an exception is allowed by RMC 7.02.100.
- 1.4** No person may erect signs, markers or inscriptions of any type within a public park, except in a specifically designated area, without permission from the Public Works Director.
- 1.5** The following activities are prohibited in all public parks unless specifically authorized by the Public Works Director:
 - 1.5.1** The distribution of any circular, notice, leaflet, pamphlet or written or printed information of any kind.
 - 1.5.2** The solicitation of, or engagement in, the sale of any merchandise or service, the operation of any concessions or catering, within any public park without a permit from the Public Works Director.
- 1.6** Smoking or other use of tobacco products is prohibited on all public park property. “Smoking” as used herein shall include: electronic smoking devices, tobacco, marijuana,, cigarettes, cigarillos, cigars, pipes, chew, snuff, smokeless tobacco and any burning or smoldering substance in any form. City-owned Stewart Park Golf Course is excluded.

- 1.7** No person shall permit any domestic animal owned by, or in the custody of the person, to run at large within any park or enter any pond, fountain or stream thereof, and all domestic animals within any public park shall be kept in control at all times on a leash not more than eight (8) feet in length (Happy Tails Dog Park excluded). Also, no person shall tease, annoy or injure any animal within any park facility including ponds, streams or fountains. No person shall ride or drive any horse or other livestock, or permit any horse or other livestock, to go upon any portion of a public park at any time except as authorized by the Public Works Director.
- 1.8** No person shall be permitted within a public park between dusk and dawn with the following exceptions:

 - 1.8.1** As permitted for special occasion upon application and approval by the Public Works Director.
 - 1.8.2** Organized events that the City has approved such as Music on the Half Shell, Movies in the Park, Legion Baseball, Little League activities at Gaddis Park, scheduled softball leagues and tournaments.
 - 1.8.3** Events sponsored by Umpqua Valley Arts Association and Umpqua Actors Community Theater, held at the Arts Center and the Betty Long Unruh Theater.
 - 1.8.4** As allowed by RMC 7.02.100.
- 1.9** No person shall swim, wade, bathe or operate a watercraft of any kind in any area of a public park except in those areas so designated.
- 1.10** No person shall operate any public address or loudspeaker system, or operate a radio or other electronic audio device, in any public park in a manner that violates RMC 7.02.140 Noise Disturbances; this does not include sounds arising from and consistent with any activity approved by City sponsorship or for which a permit has been issued by the Public Works Director.
- 1.11** Car washes and garage/yard sales are prohibited on public park property.
- 1.12** No person shall interfere with or disrupt any activity in a public park which has been authorized by City permit.
- 1.13** Except for First Responders, park maintenance, public utility and other vehicles judged necessary by the Public Works Director for the construction, maintenance and safety of City parks and utilities therein, no vehicle, shall be operated, stopped, parked or left standing in a public park, other than on public roads, and parking lots specifically designated and designed for

vehicle use. Any vehicle(s) in unauthorized areas, such as inside a park system, riparian zones, mitigated wetlands, multiuse paths, trails, and any other areas that are not designated parking lots or public roads, may be immediately towed by the Police Chief or their designee. The Public Works Director may impose reasonable conditions on park use when exempt vehicles are authorized within a park. Electric assist bicycles are considered bicycles and are permitted on multi-use pathways in City parks if they have a motor that does not exceed 750 watts and have functional pedals.

- 1.14 No person shall operate a motorized vehicle, or a bicycle, skateboard, roller-skates, roller blades, or any other type of vehicle, in any public park in a manner that endangers, or would be likely to endanger any person or damage any property. The speed limit on all multi-use paths is 15 miles per hour.
- 1.15 Persons desiring to use park property to picket or protest activities authorized by City permit shall be allowed to occupy the sidewalks and bicycle / pedestrian pathway abutting Stewart Parkway only. If the number of people using the designated area is ten (10) or more, the activity must also comply with City parade regulations.
- 1.16 The playing or practicing of golf is prohibited in any City park other than Stewart Park Golf Course, unless authorized by the Public Works Director.
- 1.17 Any activity that is not authorized by a City permit which is incompatible with or disrupts the general public use of park property is prohibited.
- 1.18 No vehicle shall remain in a parks parking lot for more than 12 hours within any 24-hour period.

2. RULES SPECIFIC TO SPECIAL EVENTS (NOT SPONSORED BY THE CITY)

In addition to the General Park Rules & Regulations, Persons issued a Parks & Recreation Special Event Permit are responsible for seeing that the following rules and/or regulations are followed, met and adhered to:

- 2.1 A special event is defined as gatherings/events that involve a large group of people (compared to the usual occupancy of the site), and
 - Are advertised to the public and do not occur regularly on the site, or
 - Impact or use city streets (including curb or parking lane) sidewalks, and public right-of-way, or
 - Use of City facilities or property such as city buildings, parks, parking lots, etc.

Examples of special events include: concerts, festivals, parades, markets, carnivals, street fairs, runs/walks, bike races, church services, volunteer work group events, etc.

- 2.2** All special events in parks require a permit. Permit applications must be submitted to the Public Works Department at least two weeks prior to the date of the event. Payment of all fees/deposits is due at the time of application.
- 2.3** Permittee must submit a list of all vendors (those taking part in the solicitation of, or engagement in, the sale of any merchandise or service, or in the operation of any concessions) to be approved by the Public Works Director. All vendors who wish to sell food or products in conjunction with a special event must also enter into a separate agreement with the City per Section 1.3.2.
- 2.4** Mobile vendors/food trucks to be utilized in conjunction with special events shall comply with all rules specific to those businesses as outlined in Section 5.
- 2.5** At least one week prior to the event, Permittee shall provide the City with proof of General Liability Insurance as outlined in Section 6.
- 2.6** The sales, dispensing and/or consumption of alcoholic beverages during special events is prohibited without a special occasion liquor license obtained from the Oregon Liquor Control Commission **and** approved by the City Manager. The license shall be presented to the City *thirty* days prior to the event to allow sufficient processing time.
- 2.7** Permittee must pay a permit deposit at least two weeks prior to the date of the event to cover the cost of City services such as police, parks and public works crews if these services are required. The amount of the deposit will be determined on an event by event basis. A final accounting for these services will be done by the City within 10 days following the event, at which time the Permittee will be reimbursed for any over payment or billed for costs in excess of the amount deposited.
- 2.8** Permittee must provide, at its own expense, all traffic control and security needed throughout the duration of the event. The minimum traffic control and security will be determined by the City on an event by event basis. Vehicles parked in/around the Legion Field area must keep out of the fire lanes and not be double parked.
- 2.9** For crowds over 1,000 Permittee must:
- Provide additional trash containers at a general rate of one (1) trash can per every 50 people (over 1,000).
 - Utilize recycling stations.
 - Provide an adequate number of portable toilets to meet crowd demands.

- 2.10 The decibel level of any sound produced as part of or as a result of the event shall be limited to 95 decibels.
- 2.11 Permittee shall be held liable and responsible for any damage beyond normal wear and tear upon the facilities used during the event. Climbing on the band shell structure for any reason is strictly prohibited.
- 2.12 Due to limited availability of parking space, if Permittee anticipates an extra-large crowd, Permittee is encouraged to provide shuttle bus service to the park.
- 2.13 All events must conclude no later than 9:30 PM unless approved by the Public Works Director.

3. RULES SPECIFIC TO CITY SKATEBOARD PARK FACILITY. In addition to the Park Rules & Regulations, the following rules apply to the City Skateboard Park:

- 3.1 No motorized vehicles shall be operated in the skateboard park.
- 3.2 No pets shall be allowed in the skateboard park.
- 3.3 Bicycles are allowed from dawn until noon on Sunday, Tuesday, and Thursday only. This time is for bicycles exclusively. Skateboards shall not be used in the park during the bicycle time.

4. RULES SPECIFIC TO INFLATABLE STRUCTURES IN CITY PARKS.

- 4.1 Persons planning to have an inflatable must first obtain a Park Permit for the use of the park.
- 4.2 Permittee shall provide the City with proof of General Liability Insurance as outlined in Section 6.
- 4.3 Inflatables must be freestanding and weighted. Stakes are prohibited.
- 4.4 Inflatables may not be tied to trees, tables or other park amenities.
- 4.5 Inflatables must be under adult supervision at all times.
- 4.6 Between June 1st and August 31st, inflatables are limited to a maximum of 2 hours. For the remainder of the year, inflatables are limited to a maximum of 4 hours.

5. RULES SPECIFIC TO MOBILE VENDORS/FOOD TRUCKS IN CITY PARKS

- 5.1** Mobile vendors/Food trucks may be allowed in conjunction with permitted special events only. Mobile Vendors/Food Trucks must be approved by the Public Works Director. If denied, a written appeal must be filed within five (5) days after the date of the notice of the action. The written appeal filed with the City Manager must state the basis for the appeal. The decision of the City Manager shall be final.
- 5.2** Mobile vendors/food trucks must have a valid City Business Registration/License.
- 5.3** Mobile vendors/food trucks must comply with the General Liability Insurance requirements as outlined in Section 6.
- 5.4** Vendor shall park in designated area only. Obstructing or parking in a public travel lane, fire lane, bike lane, or blocking access to any driveway access, walkway, fire hydrants, parking facilities, or loading zone is prohibited.
- 5.5** Drive-up windows are prohibited.
- 5.6** All tables, chairs, trash bins, wash stations, etc. shall be removed from the site when the vendor vacates the site.
- 5.7** The vendor shall not place any signage in the park or adjacent right-of-way except which is directly affixed to the vending unit.
- 5.8** No vendor permitted under this section shall sell, consume, or distribute alcoholic beverages.

6. INSURANCE REQUIREMENTS General Liability Insurance. Permittee shall maintain a broad form general liability insurance policy with coverage of not less than \$2,000,000 combined single limit per occurrence, with aggregate of \$4,000,000, for bodily injury, personal injury, or property damage with an insurance carrier licensed to do business in the State of Oregon. Such policy shall contain a contractual liability endorsement to cover indemnification obligations under any agreement or permit subject to this rule and shall entitle the City to not less than thirty (30) days written notice of any material change, non-renewal, or cancellation.

The policy shall also contain an endorsement naming the City as an additional insured, in a form satisfactory to the City, and expressly provide that the interest of the City shall not be affected by the Permittee's breach of policy provision. Such policy must be maintained in full force and effect for the duration of this permit. Failure to do so shall be cause for immediate termination of this permit by the City. Claims made policies will not

be accepted. Evidence of this coverage may be requested by the City, however, not requesting the proof does not eliminate the requirement that the coverage be in force.

7. PENALTY FOR VIOLATION A violation of these rules and regulations constitutes a violation under Roseburg Municipal Code Chapter 1.06 and may also constitute an offense under Roseburg Municipal Code Chapter 7.02. Penalties for such violations are set forth in Roseburg Municipal Code Chapter 1.06. The City reserves the right to exclude and/or ban, from any and all park facilities, any person who has been found guilty of violating any of these rules and regulations or who has vandalized, damaged or taken park property or facilities, or attempted to do so.

ORDINANCE NO. 3586

**AN ORDINANCE REPEALING AND REPLACING SECTION 7.02.100 OF THE
ROSEBURG MUNICIPAL CODE**

WHEREAS, Oregon Revised Statute 195.530 requires, “Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness; and

WHEREAS, ORS 195.530 becomes effective on July 1, 2023; and

WHEREAS, the City of Roseburg desires to update the Roseburg Municipal Code Section 7.02.100 to meet the statutory requirements outlined in ORS 195.530 by balancing the basic human need to sit, sleep and lie with the public’s expectation to be able to utilize public property for its intended use.

NOW, THEREFORE, THE CITY OF ROSEBURG ORDAINS AS FOLLOWS:

SECTION 1. Roseburg Municipal Code Section 7.02.100, titled “Prohibited Camping” is hereby repealed and replaced to read as follows:

7.02.100 Prohibited camping.

A. As used in this Section:

1. “Camp” or “Camping” means to pitch, erect, create, use, or occupy campsites for the purpose of habitation, as evidenced by the use of camp materials.
2. "Campsite" means a location upon City Property where Camping Materials are placed.
3. "Camp Materials" include, but are not limited to, personal property, tarpaulins, cots, sleeping bags, blankets, mattresses, hammocks, or outdoor cooking devices and/or similar items that are, or reasonably appear to be, used as living accommodations.
4. “City Property” means any real property or structures owned, leased, or managed by the City, including Public Ways.
5. “Involuntarily Homeless” means a person who lacks access to adequate temporary shelter.
6. “Public Way” means any street, road, alley, right-of-way, pedestrian or bicycle easement, or utility easement for public use which is controlled by the City.
7. “Personal Property” means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

B. Camping on public property not owned, leased or managed by the City of Roseburg is prohibited. Camping on private property for a time period longer than 48 consecutive hours is prohibited unless a permit is obtained through the Community Development Department. Involuntarily Homeless individuals are not prohibited from sleeping and resting on city property, provided camping is occurring in compliance with the following time, place and manner regulations.

1. Time.

- a. Unless otherwise specified, any camping or camp, where not prohibited, may only occur between the following hours:
 - i. Between November 1 and February 28 – 5 PM to 8 AM
 - ii. During the months of March and October - 6 PM to 8 AM
 - iii. Between April 1 and September 30 – 8 PM to 8 AM
- b. Enforcement of time restrictions may be suspended by City Manager, Police Chief, or designee, for severe weather events or when an individual is engaged in case management or behavioral health services, or when necessary or appropriate to respond to an individual's disability or unique circumstances.

2. Place.

- a. Camping is prohibited at all times in the following locations:
 - i. In or adjacent to any Residentially zoned area or any properties legally residentially used regardless of zoning, and anywhere within 200 feet of a school or day care facility.
 - ii. Anywhere between the Umpqua River Path and the South Umpqua River in that portion of the path east of Interstate 5 to Flint Street and any location within 10 feet of either edge of any multi-use path.
 - iii. Anywhere between the edge of the water and 100 feet beyond the top of the stream bank of waterway excluding those portions of the South Umpqua River discussed above.
 - iv. Any place where camping, a camp, or camp materials create a physical impediment to emergency or nonemergency ingress, egress or access to property, whether private or public, or on public sidewalks or other public rights-of-way, including but not limited to driveways providing access to vehicles, and entrances or exits from buildings and/or other real property.
 - v. Any vehicle lane, bicycle lane, or roundabout within any public right-of-way.
 - vi. Immediately adjacent to any city owned buildings, anywhere on Airport Property, or anywhere on or adjacent to water reservoir sites.

- vii. The Stewart Park natural area, encompassing that area of Stewart Park south of Garden Valley Boulevard south to the south end of the storm drainage detention ponds and wetland mitigation areas.
 - viii. Within 200 feet of sport complexes and adjacent structures associated with those sports, including parking lots
 - ix. Within 200 feet of any play structure or playground equipment located on public property, or any park area being used with a park permit.
 - x. Any City owned properties leased to others, unless camping is the intended purpose of the lease, including but not limited to the Roseburg Area Chamber of Commerce building, Umpqua Valley Arts Center, Betty Long Unruh Theater, Umpqua United building, Stewart Park Golf Course and the adjacent grounds including parking lots.
 - xi. The Downtown Parking Structure, the area between the parking structure and the adjacent buildings to the east and the walkway area between the parking structure and Jackson Street
 - xii. Any location that has been determined by the Fire Chief, Fire Marshal, or designee to constitute an elevated threat of fire at a particular time of the year.
3. Manner.
- a. Camping, when and where not prohibited, is subject to all of the following:
 - i. Individuals, camp materials, camps, or personal property may not obstruct sidewalk accessibility or passage, clear vision areas, fire hydrants, City or other public utility infrastructure, or otherwise interfere with the use of the right-of-way for vehicular, pedestrian, bicycle, or other passage.
 - ii. A camp or camping must be limited within a spatial footprint of 10 feet by 10 feet, or 100 square feet. The intent of this section is to allow a person to sleep protected from the elements and maintain the essentials for living, while still allowing the use of public spaces as designed and intended.
 - iii. Individuals may not build or erect structures, whether by using plywood, wood materials, pallets, or other materials. Items such as free standing tents and similar items used for shelter that are readily portable are not structures for purposes of this section.
 - iv. Obstruction or attachment of camp materials or personal property to fire hydrants, utility poles or other utility or public infrastructure,

fences, trees, vegetation, vehicles, buildings, or pavilions is prohibited.

v. All camp materials and personal property must be contained within the tent or tent like structure except for one mobility device (bike, wheelchair, and etc.) per person may be stored outside. For the purpose of this section, a bike with an attached bike trailer is considered one mobility device.

vi. Individuals may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in public rights-of-way, on City property, or on any adjacent public or private property.

vii. Open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or heating deemed unsafe by the Roseburg Fire Department are prohibited.

viii. Dumping of gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities or places not intended for gray water or black water disposal is prohibited. This includes but is not limited to storm drains, directly into waterways or onto the ground, which are not intended for disposal of gray water or black water.

ix. Unauthorized connections or taps to electrical or other utilities, or violations of building, fire, or other relevant codes or standards, are prohibited.

x. Digging, excavation, terracing of soil, alteration of ground or infrastructure, or damage to vegetation or trees is prohibited.

xi. All animals must be leashed or crated at all times.

xii. All noise ordinances must be abided by at all times.

C. No recreational vehicle (RV) or vehicle shall be used or occupied on any tract of ground within the corporate limits of the City except as provided in this Section.

D. No person shall use or occupy any RV or campsite for more than forty-eight hours on the premises of any occupied dwelling or on any lot which is not part of the premises of any occupied dwelling, unless a permit therefor shall have been first obtained as prescribed in the Land Use and Development Regulations, nor shall any person permit such use or occupancy unless the occupant of the RV or camp has obtained a permit therefor.

E. Exception. Overnight use of a camping vehicle or RV as defined in ORS 446.310 (2) shall be allowed outside of a permitted or authorized campground, without a permit, provided the following conditions exist and are complied with:

1. The subject location is within a General Commercial (C-3) zoning district and contains a developed permitted use pursuant to Roseburg Municipal Code Subsection 12.04 010.
2. The property owner or lessee registers the subject location with the community development department and no fee is charged to the users;
3. The subject location is not within 500 feet of a residential structure;
4. The length of stay is limited to 48 hours;
5. The camping vehicle or RV unit is self-contained;
6. Generators shall not be used between the hours of 10:00 p.m. and 6:00 a.m.;
7. The area designated for overnight use is paved with an asphalt or concrete surface;
8. The owner of the property where the overnight parking occurs has obtained the necessary permits or licenses, if any are required, from other governmental agencies.

F. Violation of this chapter shall be classified as a violation subject to a civil penalty. The remedies described in this section shall not be the exclusive remedies of the City for violations of this chapter. This chapter is to be interpreted consistent with the applicable state statutes and providing the protections required by state statutes.

(Ord. 2936 §1 (part), 1996; Ord. 3093 § 1, 2001; Ord. No. 3513, § 1, 10-8-2018; Ord. No. 3547, § 1, 125-2021)

SECTION 2. All other sections and subsections of Chapter 7.02 of the Roseburg Municipal Code shall remain in full force and effect as written.

SECTION 3. This ordinance takes effect and becomes effective on July 1, 2023 following adoption by the Roseburg City Council.

ADOPTED BY THE ROSEBURG CITY COUNCIL THIS ____ DAY OF _____, 20__.

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 20__.

LARRY RICH, MAYOR

ATTEST:

PATTY HITT, CITY RECORDER

ORDINANCE NO. 3587

**AN ORDINANCE GRANTING RENEWAL OF A TELECOMMUNICATION
FRANCHISE TO DOUGLAS SERVICES, INC. DBA DOUGLAS FAST NET
EFFECTIVE JANUARY 1, 2024**

SECTION 1. Grant of Franchise. The City of Roseburg, hereinafter called “City,” hereby grants Douglas Services Inc. dba Douglas Fast Net, hereinafter called “Franchisee,” the non-exclusive right to use and occupy all public ways within the Franchise Territory, solely for the purposes described herein, for a period of three years, beginning January 1, 2024, and ending December 31, 2026, following Franchisee’s acceptance of the Franchise as provided in Section 11 of this Ordinance.

SECTION 2. Incorporation of Roseburg Municipal Code. This Franchise is granted pursuant to Chapter 9.25 of the Roseburg Municipal Code (“RMC”), entitled “Telecommunications Providers,” and shall be interpreted to include all provisions of Chapter 9.25, as it now exists and as it may be amended during the term of the Franchise, and all other provisions of the Roseburg Municipal Code and City regulations with which Chapter 9.25 requires compliance, as if set forth in writing herein. A copy of Chapter 9.25, as it exists and is in effect on the effective date of this Franchise, is attached to this Franchise as Exhibit “A.” It shall be the responsibility of the Franchisee to keep itself informed of any amendments to applicable provisions of the Roseburg Municipal Code and all related regulations.

SECTION 3. Amendment and Renewal. The Franchise granted by this Ordinance may be amended in accordance with RMC 9.25.120 and may be renewed in accordance with RMC 9.25.100.

SECTION 4. Franchise Territory. The “Franchise Territory” is all territory within the boundaries of the City of Roseburg, as currently existing or as the boundaries may be adjusted during the term of this Franchise.

SECTION 5. Services to be Provided. Franchisee shall provide telecommunications services as authorized by law to residents, businesses and other entities within the City of Roseburg.

SECTION 6. Franchise Fees. Franchise fees shall be based on Franchisee’s annual use of the City’s public ways, as provided below:

A. Fee Base. For the privileges granted by this Franchise, Franchisee shall pay five percent (5%) of its gross revenue derived from services provided to customers within the City limits of Roseburg.

B. Payment. All payments due hereunder shall be paid to the City of

Roseburg by check or money order delivered to the address of the City for notices as set forth herein.

C. Due Date. Franchise fees shall be paid to the City on a quarterly basis, based on the revenues derived from the quarter just passed, not more than 30 days following the end of each quarter.

D. Late Fee. If Franchisee fails to pay the Franchise fee when due, Franchisee shall be charged a penalty of ten percent (10%), and the legal rate of interest established by state statute on the unpaid balance.

SECTION 7. Notices and Authorized Representatives.

A. Except for emergency notification of Franchisee, all notices or other communications between the parties shall be deemed delivered when made by certified United States mail or confirmed express courier delivery to the following persons and locations:

If to City:

City of Roseburg
ATTN: Patty Hitt, City Recorder
900 SE Douglas
Roseburg, OR 97470
E-mail: phitt@cityofroseburg.org
Phone: 541-492-6866

If to Franchisee:

Douglas Services Inc. dba Douglas Fast Net
ATTN: Todd Way
2350 NW Aviation Drive
Roseburg, OR 97470
E-mail: tway@dfn.net
Phone: 541-673-4242

Either party may change the identity of its authorized representative(s) or its address or phone number for notice purposes by delivering written notice of the change to the other party.

B. In case of an emergency that causes or requires interruption of service, City shall give Franchisee emergency notification by hand delivery or telephone, as appropriate to the nature of the emergency, to the following:

Contact Person's Name: Todd Way

Mailing Address: 2350 NW Aviation Drive, Roseburg, OR 97470

Telephone: 541-673-4242

SECTION 8. Location, Relocation and/or Removal of Facilities. RMC Chapter 4.02, along with RMC Sections 9.25.290 – 9.25.320, sets forth the conditions for the construction, installation, location, relocation and removal of Franchisee's facilities. There are no exceptions or additions to these regulations unless Franchisee is exempted by statute.

SECTION 9. Representation and Warranty of Franchisee. By executing this

document, Franchisee represents and warrants that it is familiar with all provisions of this Franchise, including those contained in this Ordinance, and that it accepts and agrees to be bound by all terms, conditions and provisions set forth herein.

SECTION 10. Franchise Effective Date. Franchisee submitted an application requesting renewal of their existing telecommunications franchise and paid the application processing fee on April 25, 2023. The original franchise agreement began January 1, 2009 and will terminate December 31, 2023. The Roseburg City Council approved such request at its meeting on May 8, 2023; and hereby authorizes this Franchise to take effect January 1, 2024 and expire on December 31, 2026, provided Franchisee satisfies the acceptance requirements of Section 11 of this Ordinance.

SECTION 11. Acceptance of Franchise. Upon receipt of this Ordinance, Franchisee shall sign in the space below to indicate its unconditional acceptance of the terms and conditions upon which City has offered the Franchise described herein, and immediately return such acceptance to the City. If Franchisee fails to accept the Franchise and return acceptance to City within 30 days of the adoption of this Ordinance, this Ordinance and the Franchise granted herein shall become void and have no force or effect.

ADOPTED BY THE CITY COUNCIL ON THIS ____ DAY OF _____, 2023.

APPROVED BY THE MAYOR ON THIS ____ DAY OF _____, 2023.

MAYOR

Larry Rich

ATTEST:

Patty Hitt, City Recorder

(Franchisee's Acceptance on Following Page)

FRANCHISEE'S ACCEPTANCE OF ORDINANCE NO. _____. This Ordinance is hereby accepted by First Communications, LLC on this ____ day of _____, 2023.

By: _____
(Signature)

Name: _____
(Printed)

Title: _____

Date: _____

State of _____)

) **ss.**

County of _____)

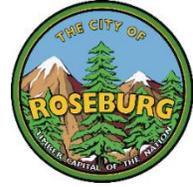
This acceptance was signed before me on _____, 2023 by, _____ as _____ of First Communications, LLC.

Notary Public for _____
Name: _____
My commission expires on: _____

.....
Acceptance received by City Recorder on _____, 2023.

Patty Hitt, City Recorder

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



DOUGLAS AVENUE, DEER CREEK BRIDGE INTERGOVERNMENTAL AGREEMENT FOR RIGHT-OF-WAY SERVICES WITH OREGON DEPARTMENT OF TRANSPORTATION

Meeting Date: May 22, 2023
Department: Public Works
www.cityofroseburg.org

Agenda Section: Consent
Staff Contact: Dawn Easley, PW Director
Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

Staff recently received the draft Intergovernmental Agreement (IGA) for Douglas Avenue, Deer Creek Bridge Right-of-Way Services from the Oregon Department of Transportation (ODOT). The issue for the Council is whether to authorize the City Manager to execute the agreement.

BACKGROUND

A. Council Action History.

In April 2019, the City Council authorized the City Manager to accept the ODOT Local Bridge Program grant for design and replacement of the bridge on Douglas Avenue over Deer Creek. In December 2020, the Council authorized the execution of an IGA with ODOT to deliver the federal project on behalf of the City of Roseburg. In August 2022, Council adopted Resolution No. 2022-27 accepting the grant award from ODOT for the construction of Douglas Avenue, Deer Creek Bridge.

B. Analysis.

The City is not a certified local agency and is not qualified to deliver the project according to Federal Highway Administration (FHWA) rules. Since ODOT is delivering the project, it makes sense for ODOT to perform the right-of-way acquisition services for the project as well. Any right-of-way acquired as part of the project will be under the jurisdiction of the City.

Right-of-Way acquisition is the process of obtaining property necessary for the project, from negotiation to possession of the property, using various sub-processes including, but not limited to, appraisal, negotiation, condemnation, relocation, title closing, and property management related to the potential exercise of eminent domain. The Right-of-Way Services IGA requires the City to adopt a resolution outlining intention and determination of necessity in accordance with ORS 35.235 and ORS 35.610, authorizing acquisition or condemnation if made necessary by the project. Per ORS 35.235, the state will attempt to agree with the owner with respect to the compensation to be paid for any taking and related damages.

C. Financial/Resource Considerations.

The funding and payment for the services are set forth in the Project Agreement executed in February 2021. This agreement commits no additional funding for the services.

D. Timing Considerations.

ODOT would like the IGA executed as soon as practical. The project is in the early stages of design, so no right-of-way acquisition is anticipated prior to 2024.

COUNCIL OPTIONS

The Council has the following options:

1. Authorize execution of the IGA for Right-of-Way Services; or
2. Request additional information; or
3. Not authorize the execution of the IGA for Right-of-Way Services.

STAFF RECOMMENDATION

The project is federally funded and managed by ODOT, and all aspects of the project should be performed by the State to ensure all federal and state regulations are met. The Public Works Commission discussed the IGA at their May 11, 2023, meeting and recommended the City Council authorize execution of the Right-of-Way Services for the Douglas Avenue, Deer Creek Bridge Project Intergovernmental Agreement. Staff concurs with this recommendation.

SUGGESTED MOTION

“I MOVE TO AUTHORIZE THE EXECUTION OF THE INTERGOVERNMENTAL AGREEMENT WITH OREGON DEPARTMENT OF TRANSPORTATION FOR RIGHT-OF-WAY SERVICES.”

ATTACHMENTS:

None.

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



CITY MANAGER ACTIVITY REPORT

Meeting Date: May 22, 2023
Department: Administration
www.cityofroseburg.org

Agenda Section: Informational
Staff Contact: Nikki Messenger, City Manager
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

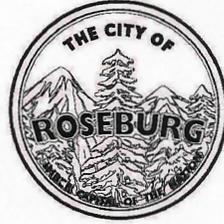
At each meeting, the City Manager provides the City Council with a report on the activities of the City, along with an update on operational/personnel related issues which may be of interest to the Council. These reports shall be strictly informational and will not require any action on the Council's part. The reports are intended to provide a mechanism to solicit feedback and enhance communication between the Council, City Manager and City Staff. For your May 22, 2023, meeting, the following items are included:

- Department Head Meeting Agendas
- Tentative Future Council Agenda Items



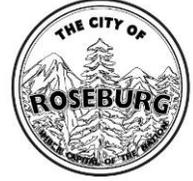
Agenda
Department Head Meeting
Public Safety Center Umpqua Room
May 9, 2023 - 10:00 a.m.

1. May 8, 2023, City Council Meeting Synopsis
2. May 22, 2023, City Council Meeting Agenda
3. Review Tentative Future Council Meeting Agendas
4. Documents, Events, or Grants to review and/or sign
 - A. Loudspeaker Permit – Phoenix Charter School Prom – May 12, 2023
5. Discussion Items



Agenda
Department Head Meeting
Public Safety Center Umpqua Room
May 15, 2023 - 10:00 a.m.

1. May 22, 2023, City Council Meeting Agenda
2. Review Tentative Future Council Meeting Agendas
3. Documents, Events, or Grants to review and/or sign
4. Discussion Items



TENTATIVE FUTURE COUNCIL AGENDA

Unscheduled

- 2023-2025 Council Goals
- Labor Negotiations – IAFF/IBEW
- Urban Growth Boundary Swap
- Umpqua Basin Urban Services Agreement
- ARPA Quarterly Reports
- Highway 138 Water Line Replacement, Project No. 22WA16
- Umpqua Actors Community Theater (UACT) – Improvement Project

June 12, 2023

Mayor Reports

- A. Camp Millennium Week Proclamation
- B. Juneteenth Independence Day Proclamation

Consent Agenda

- A. May 22, 2023 Meeting Minutes

Public Hearing

- A. Resolution No. 2023-16: 2023-2024 Budget Adoption
- B. Ordinance No. 3588: 2023 Bike Routes Plan Adoption, File No. CPA-23-001

Resolutions

- A. Resolution No. 2023-17: Appropriation Transfer

Department Items

- A. Bid Award – Slurry Seal, Project No. – 23PW02
- B. Use of ARPA Funds for Off Street Parking

Informational

- A. City Manager Activity Report

Roseburg Urban Renewal Agency Board Meeting

Consent Agenda

- A. Minutes of previous meeting

Public Hearing

- A. Resolution No. UR2023-02 - 2023-2024 Budget Adoption

June 26, 2023

Mayor Reports

- A. 2023 Election Results

Special Presentation

- A. Anvil NW, Experience Roseburg, Destination Marketing Annual Report

Consent Agenda

- A. June 12, 2023 Meeting Minutes

Department Items

- A. Stewart Parkway & Pine Street Pavement Improvements – 23PW01
- B. Kline Street ADA Ramps – 23PW13
- C. Flood Insurance Synopsis

Informational

- A. City Manager Activity Report

July 10, 2023

Mayor Reports

- A. Parks and Recreation Month Proclamation

Special Presentation

- A. Gary Leif Navigation Center One-Year Report

Consent Agenda

- A. June 26, 2023 Meeting Minutes

Executive Session ORS 192.660(2)(i) – City Manager Report/Evaluation

Informational

- A. City Manager Activity Report
-

July 24, 2023

Consent Agenda

- A. July 10, 2023 Meeting Minutes

Department Items

- A. Bid Award – 24-inch Transmission Main Isabell Avenue to Newton Creek Road,
if budget is approved

Informational

- A. City Manager Activity Report
 - B. Municipal Court Quarterly Report
-

August 14, 2023

Consent Agenda

- A. July 24, 2023 Meeting Minutes

Informational

- A. City Manager Activity Report
 - B. Quarterly Financial Report
-

August 28, 2023

Consent Agenda

- A. August 14, 2023 Meeting Minutes

Executive Session ORS 192.660(2)(i) – City Manager Performance Evaluation

Informational

- A. City Manager Activity Report
-

September 11, 2023

Mayor Reports

- A. Constitution Day and Week Proclamation

Consent Agenda

- A. August 28, 2023 Meeting Minutes

Informational

- A. City Manager Activity Report
-

September 25, 2023

Consent Agenda

- A. September 11, 2023 Meeting Minutes

Informational

- A. City Manager Activity Report
-

October 9, 2023

Consent Agenda

- A. September 25, 2023 Meeting Minutes

Informational

- A. City Manager Activity Report
-

October 23, 2023

Mayor Reports

- A. Veterans Day Proclamation

Consent Agenda

- A. October 9, 2023 Meeting Minutes

Informational

- A. City Manager Activity Report
-

INFORMATIONAL A

05/22/2023

November 13, 2023

Consent Agenda

- A. October 23, 2023 Meeting Minutes

Informational

- A. City Manager Activity Report
-

December 11, 2023

Consent Agenda

- A. November 13, 2023 Meeting Minutes

Informational

- A. City Manager Activity Report