

**ROSEBURG CITY COUNCIL AGENDA – JULY 11, 2016**  
City Council Chambers, City Hall,  
900 S. E. Douglas Avenue, Roseburg, OR 97470



**7:00 p.m. - Regular Meeting**

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

Alison Eggers	Ken Fazio	Victoria Hawks	Steve Kaser
Lew Marks	John McDonald	Tom Ryan	Andrea Zielinski
4. **Mayor Report**
5. **Commission Reports/Council Ward Reports**
6. **Special Presentation**
  - A. Umpqua Strong – October 1<sup>st</sup> Commemoration Event
7. **Audience Participation – See Information on the Reverse**
8. **Consent Agenda**
  - A. Minutes of June 13, 2016 Regular Meeting
9. **Public Hearing**
  - A. Mulholland Plat and Street Vacation, Ordinance No. \_\_\_\_\_
10. **Ordinances**
  - A. Ordinance No. \_\_\_\_\_ - Adopting ORS re: Shopping Carts
  - B. Ordinance No. \_\_\_\_\_ - Smoking Prohibition for City Parking Lots and Sidewalks Abutting City Parks and Parking Lots
11. **Resolutions**
  - A. Resolution No. 2016-\_\_\_\_ - Non-Profit Contribution Policy
  - B. Resolution No. 2016-\_\_\_\_ - Electronic Commerce Zone
12. **Department Items**
  - A. Roseburg Police Employees Association Contract Ratification
  - B. Transportation System Funding
13. **Items From Mayor, Council or City Manager**
14. **Informational**
  - A. Activity Report
15. **Executive Session ORS 192.660(2)(i) – Municipal Judge Evaluation**
16. **Adjournment**

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

Please contact the City Recorder's Office, Roseburg City Hall, 900 SE Douglas, Roseburg, OR 97470-3397 (Phone 541-492-6866) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900.

## **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:*

**Persons addressing the Council must state their name and address for the record, including whether or not they are a resident of the City of Roseburg. 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 shall not have been previously presented to Council.

### **CITIZEN PARTICIPATION – AGENDA ITEMS**

Anyone wishing to speak regarding an item on the agenda may do so when Council addresses that item. If you wish to address an item on the Consent Agenda, please do so under “Audience Participation. For other items on the agenda, discussion typically begins with a staff report, followed by questions from Council. If you would like to comment on a particular item, please raise your hand after the Council question period on that item.

### **CITIZEN PARTICIPATION – NON-AGENDA ITEMS**

We also allow the opportunity for citizens to speak to the Council on matters not on this evening’s agenda on items of a brief nature. A total of 30 minutes shall be allocated for this portion of the meeting.

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.*

***Thank you for attending our meeting – Please come again.***

***The City Council meetings are aired live on Charter Communications Cable Channel 191 and rebroadcast on the following Tuesday evening at 7:00 p.m. Video replays and the full agenda packet are also available on the City’s website: [www.cityofroseburg.org](http://www.cityofroseburg.org).***

**MINUTES OF THE REGULAR MEETING  
OF THE ROSEBURG CITY COUNCIL  
June 13, 2016**

Mayor Larry Rich called the regular meeting of the Roseburg City Council to order at 7:00 p.m. on Monday, June 13, 2016, in the City Hall Council Chambers, 900 SE Douglas, Roseburg, Oregon. Councilor Ryan led the Pledge of Allegiance.

ROLL CALL

Present: Councilors Ken Fazio, Steve Kaser, Alison Eggers, Tom Ryan, Lew Marks, Andrea Zielinski and John McDonald.

Absent: Councilor Victoria Hawks.

Others present: City Manager Lance Colley, City Attorney Bruce Coalwell, City Recorder Sheila Cox, Finance Director Ron Harker, Human Resources Director John VanWinkle, Police Captain Jerry Matthews, Community Development Director Brian Davis, Public Works Director Nikki Messenger, Fire Chief Gregg Timm, Management Technician Debi Davidson, Kyle Bailey of KQEN and Troy Brynelson of The News Review.

MAYOR REPORTS

Rich proclaimed the week of June 19<sup>th</sup> as "Camp Millennium Week." A Camp representative expressed appreciation for the City's support of the Camp and shared testimonials from camp participants.

COMMISSION/COUNCIL WARD REPORTS

Ryan reported the Public Works Commission held a meeting to discuss items included on the Council agenda.

Marks commended SERVICE on the recent clean-up of the Mill-Pine Neighborhood and acknowledged Douglas County Public Works for waiving the dump fees, Roseburg Disposal for providing dumpsters and Charlie Company members who helped. Kaser added that neighbors helped those who were physically unable to participate in the clean-up.

CONSENT AGENDA

Ryan moved to approve the following Consent Agenda item:

- A. Minutes of May 23, 2016 regular meeting.

Motion was seconded by Fazio and carried unanimously.

PUBLIC HEARING – RESOLUTION NO. 2016-13 – 2016/17 BUDGET ADOPTION

At 7:08 Rich opened the public hearing on the proposed 2016-17 budget and the uses of State Revenue Sharing funds. Harker reported that the Budget Committee reviewed the budget in May and recommended adoption of the \$61,504,525 budget. As no one else wished to speak, the hearing was closed at 7:11 p.m. Ryan moved to adopt Resolution No. 2016-13 adopting the 2016-2017 budget as approved by the Budget Committee. Motion was seconded by Marks and carried unanimously.

REVENUE SHARING GRANT APPLICATIONS

Eleven applications were received from non-profit organizations seeking funding through Revenue Sharing. A subcommittee of the Budget Committee reviewed the applications and recommended funding for five applications which included the YMCA and the Family Development Center. Eggers and Rich recused themselves due to their service on the YMCA Board. Kaser recused himself due to his service as legal counsel for the YMCA. Zielinski recused herself due to her service on the Family Development Center Board.

Colley reported that the subcommittee recommended funding as follows:

- CCD - \$1500 for outreach staffing.
- Family Development Center - \$6500 for transportation and basic needs for home visitation and parent education services
- SERVICE - \$3500 for dumpster placement and community garden bark mulch
- UCAN - \$3500 for downtown portable toilets
- YMCA - \$5000 toward facility renovation

Fazio moved to award the Revenue Sharing funds in accordance with the Budget Subcommittee recommendation and direct Staff to enter into appropriate agreements with CCD, Family Development Center, SERVICE, UCAN and the YMCA. Motion was seconded by Marks and carried with Zielinski, Eggers and Kaser abstaining. Councilors expressed concern about the contribution program, particularly since the City needs funds for the transportation system. Consensus was to place reconsideration of the contribution policy on a future agenda.

ORDINANCE NO. 3469 – SINGLE LOT LOCAL IMPROVEMENT DISTRICT

Cox read Ordinance No. 3469 for the second time, entitled: An Ordinance Amending Paragraph (5) of Subsection 4.04.010(A) of the Roseburg Municipal Code Regarding Local Improvement Districts for Single Lot Sidewalk Improvement Projects. Ryan moved to adopt the ordinance, seconded by Fazio. Roll call vote was taken and motion carried unanimously. Rich proclaimed the adoption of Ordinance No. 3469.

ORDINANCE NO. 3470-GOOGLE NORTH AMERICA TELECOMMUNICATION FRANCHISE

Cox reported on a company which falls under the newly adopted definitions for telecommunication service. Cox read Ordinance No. 3470 for the first time, entitled: An Ordinance Granting a Telecommunication Franchise to Google North America, Inc. Effective Retroactively to June 1, 2016. Ryan moved to suspend the rules and proceed with second reading of the Ordinance. Motion was seconded by Fazio and carried unanimously. Cox read Ordinance No. 3470 for the second time. Ryan moved to adopt Ordinance No. 3470, seconded by Fazio. Roll call vote was taken and motion carried unanimously. Rich proclaimed the adoption of Ordinance No. 3470.

RESOLUTION NO. 2016-14 – APPROPRIATION REVISIONS FOR 2015-16

Harker reported that the Parks Division budget required an additional \$5,000 in appropriation authority to cover the increased garbage disposal fees implemented at the landfill this year. That appropriation would be a transfer from contingency funds. In the Transportation Fund, the Stephens Street overlay resulted in larger costs from that fund and lesser cost from Urban Renewal. Therefore, a \$40,000 transfer from the Fund's Capital Outlay budget is

necessary to accommodate the additional expenditure. McDonald moved to adopt Resolution No. 2016-14 authorizing budget appropriation revisions for fiscal year 2015-16. Motion was seconded by Zielinski and carried unanimously.

RESOLUTION NO. 2016-15 – MARIJUANA SALES TAX REFERRAL

Pursuant to City Council instruction, Cox presented a resolution referring the question of imposing a 3% sales tax on recreational marijuana to the voters. Kaser moved to adopt Resolution No. 2016-15 approving referral to the electors of the City of Roseburg the question of imposing a 3% tax on the sale of marijuana items by marijuana retailers within the City. Motion was seconded by McDonald and carried with Fazio voting nay.

OVERLAY BID AWARD

Messenger reported on the single bid received for the 2016 overlays which will include portions of Edenbower, Aviation and Stewart Parkway. Marks recused himself from participation due to a business relationship with Knife River. Fazio moved to award the 2016 Pavement Rehabilitation Project to Knife River Materials for \$822,100 upon expiration of the seven-day Notice of Intent to Award period. Motion was seconded by Eggers and carried with Marks abstaining.

MURRAY SMITH & ASSOCIATES TASK ORDER – OVERLAY CONSTRUCTION MANAGEMENT

Messenger reported on the need to have outside assistance for the pavement management project to provide inspections and paperwork processing. Ryan moved to authorize a task order with Murray, Smith & Associates for construction management services for the 2016 Pavement Rehabilitation Project for an amount not to exceed \$111,909. Motion was seconded by Fazio and carried unanimously.

CITY COUNCIL MINUTES CORRECTION FROM MAY 9, 2016

Davis reported that a number was recorded wrong in previously approved minutes in regard to the Community Development Block Grant citing a \$2 million grant request versus a \$1.5 million request. Marks moved to suspend the rules and allow a motion to amend the minutes of the May 9, 2016 City Council meeting. Motion was seconded by Fazio and carried unanimously. Marks moved to approve the amended minutes of the May 9, 2016 City Council meeting as presented. Motion was seconded by McDonald and carried unanimously.

ITEMS FROM MAYOR, COUNCILORS OR CITY MANAGER

Fazio noted he completed the Citizens Police Academy overseen by Zielinski and Sergeant Jeff Eichenbusch. He found it educational, enlightening and entertaining and encouraged others to participate in future academies.

Zielinski invited everyone to participate in the Sixth Annual K-9 Pursuit Fun Run and Walk in Stewart Park on June 25<sup>th</sup>.

Ryan noted a citizen complaint regarding inability to attend a Partnership meeting. He believed that since the City contributed \$50,000 annually to The Partnership, the meetings should be open to the public. Colley stated the bylaws adopted by the Partnership and agreements to participate indicate it is a non-profit organization developed to do economic development and is only open to members. Anyone from a member organization can attend

06-27-2016

membership meetings. Board meetings are open only to Board members. He cited the need to remain private as business conducted by the Partnership involves private business interests/opportunities/retention. Sharing that information publicly could impact negotiations and competition with other communities. Kaser noted that the City provides funding to many organizations, e.g. Chamber and YMCA, and those organizations' meetings should not be deemed to be public. Consensus was to place a discussion on this matter on a future agenda.

McDonald pointed out a NeighborWorks Umpqua community meeting scheduled for June 14<sup>th</sup> and announced the birth of his daughter.

McDonald asked Council to consider asking the legislature to pass legislation to prohibit advertising of marijuana on freeway billboards similar to the prohibition on tobacco and alcohol advertising.

Meeting adjourned at 7:55 p.m.



Debi Davidson  
Management Technician

*etc*  
*7/5/16*



## ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

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### PUBLIC HEARING - PROPOSED PLAT AND STREET VACATION INVOLVING A PORTION OF CECIL STREET, RUTTER LANE AND BETHEL STREET RIGHTS-OF-WAY AND THE INTERIOR LOT LINE AND RIGHTS-OF-WAY LOCATED WITHIN MULHOLLAND MEADOWS SUBDIVISION IN THE CITY OF ROSEBURG

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**Meeting Date:** July 11, 2016  
**Department:** City Recorder  
**[www.cityofroseburg.org](http://www.cityofroseburg.org)**

**Agenda Section:** PUBLIC HEARING  
**Staff Contact:** Sheila Cox and Lance Colley  
**Contact Telephone Number:** 492-6866

*etc*

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**ISSUE STATEMENT AND SUMMARY:** Council will be conducting a public hearing to receive comments from property owners that could be affected by the proposed plat and street vacation involving a portion of Cecil Street right-of-way, Rutter Lane right-of-way, Bethel Street right-of-way and the interior lot line and rights-of-way located within Mulholland Meadows Subdivision.

#### BACKGROUND:

**A. Council Action History.** n/a

**B. Analysis.** The City initiated the proposed plat and street vacation in response to a supported application filed by Hanna Limited Partnership, Hanna Seven LLC and L/B Limited Partnership – owners of all property adjacent to the rights-of-way and plat being vacated. The property owners plan to redevelop the entire parcel in multiple phases. Phase 1 will be the development of "Hampton Inn & Suites" which should be finalized and ready for business next summer.

The vacation will not be made if the owners of a majority of the area affected object in writing thereto, or if such action will negatively impact the market value of the real property lying on either side of the area proposed to be vacated and extending laterally to the next street that serves as a parallel street. Notice of the public hearing on this proposed plat and street vacation was published in The News-Review on June 26 and July 3, 2016; mailed to affected property owners and posted in at least two conspicuous places within the proposed vacation area on June 25, 2016. As of the writing of this memo, Staff has received a couple of phone calls, but no written response to the notice.

The applicants hired the professional real estate appraisal firm of Brown, Chudleigh, Schuler, Myers and Associates from Eugene to conduct an appraisal of the property being vacated. Based upon multiple factors that are outlined in the attached letter from Hanna LP's attorney, Paul Vaughan, the appraiser concluded there was no monetary value in the public ways being vacated. The attached appraisal and letter from Mr. Vaughan have been reviewed by the City Manager and City Attorney Coalwell and they are satisfied with the evaluation criteria articulated by the applicants.

In accordance with state law, ownership of the vacated property will go to the adjoining property owner(s) in the same manner in which it was originally dedicated as right-of-way.

**C. Financial and/or Resource Considerations.** The applicant has paid the vacation application fee, and made a deposit toward the cost of publishing, posting and mailing the notice of public hearing and recording the ordinance. If the actual cost exceeds the amount deposited, the applicant will be required to pay the difference. If the cost is less than the deposit, the difference will be refunded to the applicant.

As pointed out in Section 1 and 2 of Mr. Vaughan's letter and pages 4 and 5 of the appraisal, the right-of-way to be vacated was not acquired by fee title by the City, but was dedicated by the property owners as part of a subdivision plat. The public ways currently serve only property owned by the applicant and thus serve no other "public" purpose. In addition, new public utility easements will be required to insure orderly and efficient continuation of services provided by the City of Roseburg and private franchise utility providers. The right-of-way acquired as part of this vacation will go back on the tax rolls and become part of the multi-phase development at this location.

Due to the limited public value of the right-of-way being vacated, the applicant has requested they not be assessed for that value. However, in accordance with RMC 4.06.110, Council must make that determination. If Council is interested in assessing the applicant, we will need to continue the public hearing until the applicant has an opportunity to respond.

**D. Timing Issues.** If Council concurs with the appraisal that the value of the right-of-way is minimal enough that the applicant should not be assessed, Council may proceed with the public hearing as scheduled. If no objections to the proposed vacation are heard during the public hearing, after the Mayor closes the hearing, it would be appropriate to proceed with first reading of the ordinance attached to this memo.

**COUNCIL OPTIONS:** Council has the option to:

1. continue the public hearing, direct Staff to advise the applicants that Council has determined they should be assessed the value of the property, and delay first reading of the ordinance until after the applicant has had an opportunity to respond; or
2. direct Staff to conduct first reading of the proposed ordinance vacating the subject right-of-way without an assessment of the value; or
3. deny the proposed vacation.

**STAFF RECOMMENDATION:** Staff recommends Council proceed with first reading of the proposed ordinance without levying an assessment for the value of the property.

**SUGGESTED MOTION:** If Council concurs with Staff's recommendation, no motion will be required, simply a consensus to proceed with first reading of the ordinance.

**ATTACHMENTS:**

1. Proposed ordinance w/aerial map of the subject area;
2. May 19, 2016 appraisal of subject property; and
3. June 30, 2016 letter from Attorney Paul Vaughan.

**cc:** Alex Palm; i.e. Engineering; 809 SE Pine St./Subject Vacation File/Chrono File

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING A PLAT AND STREET VACATION INVOLVING A PORTION OF CECIL STREET RIGHT-OF-WAY, RUTTER LANE RIGHT-OF-WAY, BETHEL STREET RIGHT-OF-WAY AND THE INTERIOR LOT LINE AND RIGHTS-OF-WAY LOCATED WITHIN MULHOLLAND MEADOWS SUBDIVISION IN THE CITY OF ROSEBURG**

**WHEREAS**, pursuant to Roseburg Municipal Code Chapter 4.06, upon receipt of a report from the Community Development Department, the City Recorder initiated proceedings to grant a plat and street vacation involving a portion of Cecil Street Right-of-Way, Rutter Lane Right-of-Way, Bethel Street Right-of-Way and the interior lot line and rights-of-way located within Mulholland Meadows Subdivision in the City of Roseburg, more particularly described in Section 1 of this ordinance and shown on the map attached hereto as Exhibit "A" of this ordinance; and

**WHEREAS**, the City Recorder published a notice of a public hearing on the proposed vacation to be held before the Roseburg City Council on July 11, 2016, in The News-Review, a newspaper of general circulation in the City of Roseburg, Oregon, on June 26 and July 3, 2016, posted said notice at or near each end of the vacation area and mailed the same to all affected property owners, not less than 14 days prior to the date of the hearing, all of which more fully appear in the proof of publication, posting and mailing on file in the City Recorder's Office; and

**WHEREAS**, such public hearing was duly held before the Roseburg City Council on the above-mentioned date, and all persons desiring to be heard on said matter were heard;

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

**Section 1.** A plat and street vacation involving a portion of Cecil Street right-of-way, Rutter Lane right-of-way, Bethel Street right-of-way and the interior lot line and rights-of-way located within Mulholland Meadows Subdivision in the City of Roseburg is hereby granted. The right-of-way area can be found on the County Assessor's Map as Township 27 South, Range 06 West, Willamette Meridian, Section 13BA, Tax Lot 04200, and Section 12CD, Tax Lots 06301, 06900, 07000, 071000, 07200, 07300, 07400, 07500, 07600, 07700, 07800, 07900 and 08000, and is further described as follows:

A tract of land being a portion of LOTS 1 through 8, a portion of LOT 11 and all of LOTS 9, 10, and 12 through 16, all of BLOCK 2, Mulholland Meadows, Volume 6, Page 54, Douglas County Plat Records, and the Southerly portion of vacated Pearl Avenue, vacated per Instrument Number 2003-28854, Douglas County Deed Records, and all of those portions of the Bethel Street, Cecil Street, and Rutter Lane Rights-of-Way as dedicated to the City of Roseburg, located in the Southeast Quarter of Section 12 and Northeast Quarter of

Section 13, Township 27 South, Range 06 West, Willamette Meridian, City of Roseburg, Douglas County, Oregon, all lying within the following described boundary: Beginning at a point on the Easterly Right-of-Way boundary of Interstate 5, being the intersection of said Easterly Right-of-Way boundary and the North Right-of-Way boundary of said Cecil Street; Thence leaving said Easterly Right-of-Way boundary, along said Northerly Right-of-way boundary, South 89°29'42" East, 263.22 feet to a point being on the Westerly Right-of-Way boundary of Mulholland Drive; Thence Southerly along the said Westerly Right-of-Way boundary and the easterly boundary of that tract of land described in Instrument Number 2015-16613, Deed Records of Douglas County, the following courses: South 33°27'29" East, 48.23 feet to the beginning of a 263.73-foot radius curve, concave Easterly; Thence along said curve an arc distance of 42.89 feet, through a central angle of 09°19'06"; Thence South 42°46'35" East, 33.40 feet to the beginning of a 34.50-foot radius curve, concave Westerly; Thence along said curve an arc distance of 64.38 feet, through a central angle of 106°55'00"; Thence South 64°08'25" West, 18.02 feet to the beginning of an 85.25-foot radius curve, concave Northerly; Thence along said curve an arc distance of 39.16 feet, through a central angle of 26°19'02", to the most Southerly Southwest corner of said instrument Number 2015-16613; Thence North 89°32'34" West, 183.86 feet to a point of the West boundary of LOT 11, said BLOCK 2, and the West boundary of that tract described in Instrument Number 1981-14789, Deed Records of Douglas County; Thence Southerly along said West boundary, South 00°32'17" West, 50.00 feet to the Southwest corner of said LOT 11; Thence Easterly along the South boundaries of said LOT 11 and LOT 6, said BLOCK 2, South 89°32'34" East, 321.14 feet to a point on the aforementioned Westerly Right-of-Way boundary of Mulholland Drive; Thence Southerly along said Westerly Right-of-Way boundary the following courses: South 14°42'15" East, 57.37 feet; Thence South 07°36'39" East, 60.17 feet; Thence South 05°54'17" East, 59.97 feet; Thence South 02°21'37" East, 59.72 feet; Thence South 00°07'45" West, 42.02 feet; Thence South 00°20'47" East, 75.94 feet to the most Easterly Northeast corner of that land described in Instrument Number 2013-04081, Deed Records of Douglas County; Thence leaving said Westerly Right-of-Way boundary and Northerly along the Easterly boundary of said Instrument Number 2013-04081 the following courses: North 40°56'49" West, 20.96 feet; Thence North 01°06'40" East, 7.35 feet to the most Northerly Northeast corner of said Instrument Number 2013-04081; Thence Westerly along the North boundary of said Instrument Number 2013-04081; South 89°41'01" West, 382.21 feet; Thence North 00°32'17" East, 38.22 feet; Thence North 71°04'04" West, 25.41 feet to a point on the aforementioned Easterly Right-of-Way of Interstate 5; Thence Northerly along said Easterly Right-of-Way boundary the following courses: North 06°47'25" West, 362.81 feet; Thence North 07°31'32" East, 148.65 feet to the Point of Beginning and there terminating.

The above described tract contains 4.61 Acres (200,908.32 square feet), more or less.

**Section 2.** A public utility easement is hereby granted and reserved over the entire property described in the above Section 1 and being vacated by this ordinance to allow for possible future utility installation and maintenance.

**Section 3.** The title to the property being vacated by this ordinance shall attach to the lands bordering on such equal portions in accordance with ORS 271.140.

**Section 4.** Pursuant to ORS 271.150, the City Recorder is hereby directed to file a certified copy of this ordinance and the map attached hereto as Exhibit "A" with the Douglas County Clerk, Douglas County Assessor and Douglas County Surveyor.

**ADOPTED BY THE CITY COUNCIL THIS \_\_\_\_ DAY OF JULY, 2016.**

**APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF JULY, 2016.**

\_\_\_\_\_  
**Larry Rich, Mayor**

**ATTEST:**

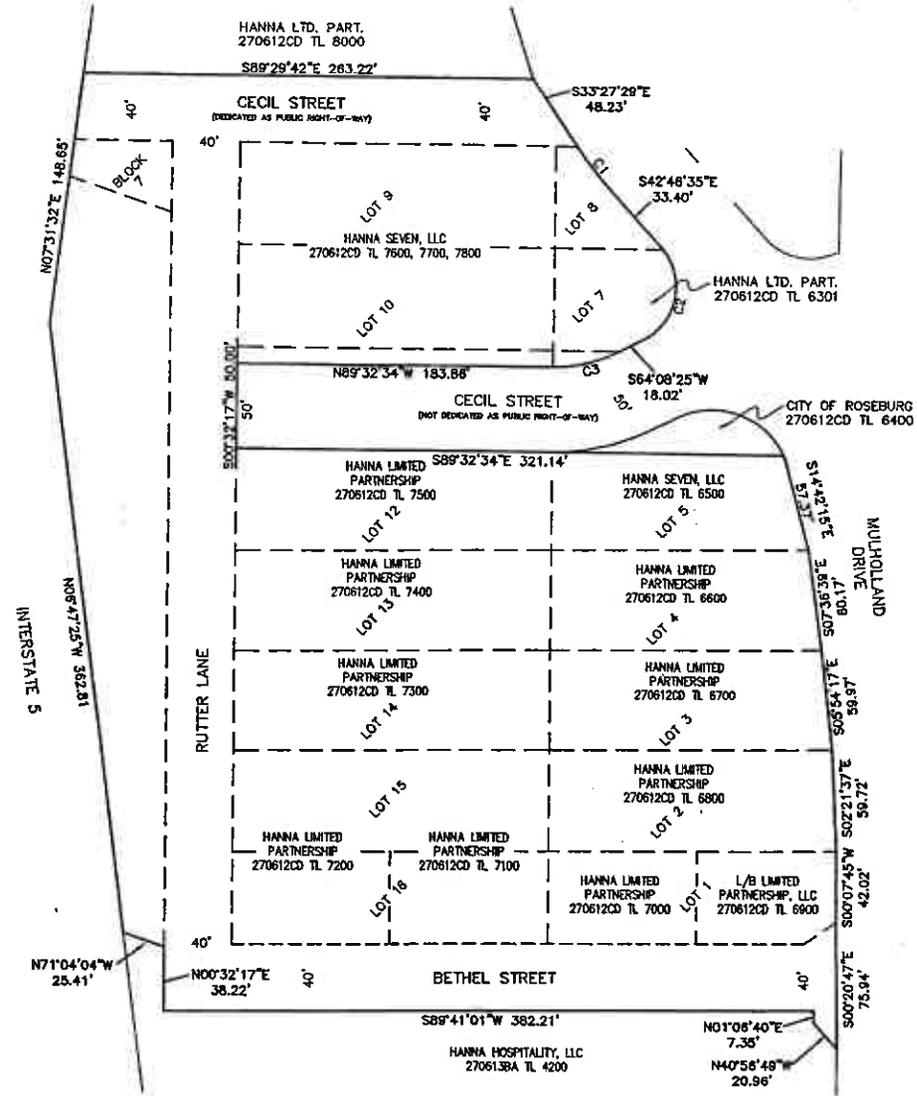
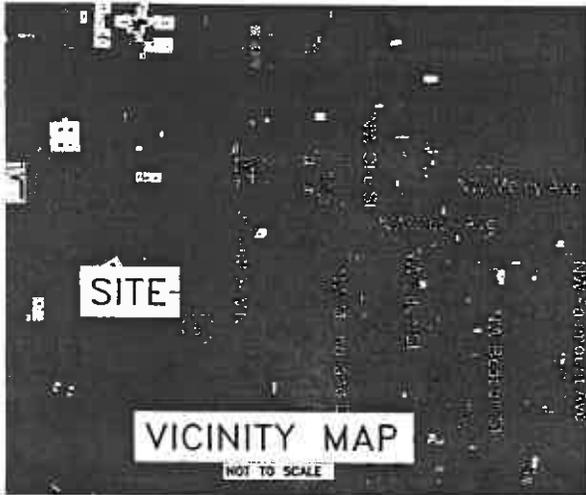
\_\_\_\_\_  
**Sheila R. Cox, City Recorder**

VACATION EXHIBIT OF A PORTION OF LOTS 1 THROUGH 8, LOTS 9 AND 10,  
AND LOTS 12-16, BLOCK 2, MULHOLLAND MEADOWS, VOLUME 6, PAGE 54,  
DOUGLAS COUNTY PLAT RECORDS, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12  
AND THE NORTHEAST OF SECTION 13, TOWNSHIP 27 SOUTH, RANGE 6 WEST,  
WILLAMETTE MERIDIAN, CITY OF ROSEBURG, DOUGLAS COUNTY, OREGON.

TRACT: 4.61 AC±  
TAX ACCOUNT NO.: R63794, R63787, R63780, R63773, R63759, R63766, R63871, R63864,  
R63857, R63850, R63843  
TAX ID: 270612CD: 06500, 06600, 06700, 06800, 06900, 07000, 07100,  
07200, 07300, 07400, 07500, 07800, 0770, 07800  
ZONE: MU MIXED USE  
COMP. PLAN: INDUSTRIAL  
FIRE: CITY OF ROSEBURG FIRE DEPARTMENT  
WATER: CITY OF ROSEBURG  
SEWER: ROSEBURG URBAN SEWER AUTHORITY

CURVE TABLE					
CURVE	CHORD BEARING	CHORD LENGTH	RADIUS	CURVE LENGTH	DELTA
C1	S37°23'12"E	42.85'	251.73'	42.89'	8°19'06"
C2	S11°02'50"W	55.17'	34.50'	63.94'	106°11'10"
C3	S76°54'43"W	37.69'	85.25'	38.00'	25°32'32"

**NOTE:**  
ACREAGE PER PHYSICALLY SURVEYED BOUNDARY



SURVEYED BY:  
**i.e.**  
ENGINEERING  
809 SE Pine Street  
Roseburg, Oregon 97470  
PHONE (541) 873-0186  
FAX (541) 440-9332  
email@ieengineering.com

SURVEYED FOR:  
HANNA HOSPITALITY N, LLC  
PO BOX 1305  
ROSEBURG, OR 97470

DWG. BY: BHK

PM: AMP

PAGE: 1 OF 1  
JOB NO: 2702-01

SCALE: 1"=50'

DATE: 6/14/16



VACATION EXHIBIT

LOCATED IN THE SE QUARTER OF SECTION 12, TOWNSHIP 27 SOUTH, RANGE 06 WEST,  
WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
NOVEMBER 10, 2015  
BRENT H. KNAPP  
81116

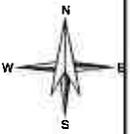
EXPIRES: 6/30/2017

RECEIVED JUN 17 2016  
RECEIVED JUN 17 2016

ATTACHMENT "A" - ORDINANCE NO.



File No. VAC-16-1  
Vacation Request  
Portions of NW Cecil, Bethel, and Rutter  
April 2016



Community Development Department | 900 SE Douglas Ave. Roseburg, Oregon 97470 | 541-492-6750



### Legend

-  Bethel\_Vacation\_Area
-  Cecil\_Vacation\_Area
-  Rutter\_Vacation\_Area

1 inch = 200 feet

**RECEIVED**

**JUN 22 2016**

**CITY OF ROSEBURG**  
*City Administration Office*

PAUL V. VAUGHAN  
Direct: (541) 302-5244

June 20, 2016

**BY FIRST CLASS MAIL  
AND E-MAIL (lcolley@cityofroseburg.org)**

Mayor and City Council  
City of Roseburg, Oregon  
c/o Lance Colley, City Manager  
900 S.E. Douglas Avenue  
Roseburg, OR 97470

RE: Hanna Limited Partnership  
Application for Vacation of Right-of-Ways  
Bethel Street between Rutter Lane and Mulholland Drive; Rutter Lane between its southerly terminus and the southerly margin of northerly Cecil Street; and northerly Cecil Street between the Interstate 5 right-of-way and Mulholland Drive  
Our File No. 33880.18

Ladies and Gentlemen:

Our office represents Hanna Limited Partnership (“Hanna LP”) and its subsidiary companies. This letter is intended to accompany the September 11, 2015 appraisal of the subject right-of-ways that Hanna LP has requested be vacated, which appraisal was prepared by Gregory S. Schuler of the multi-state appraisal firm Brown, Chudleigh, Schuler, Myers, and Associates. Mr. Schuler concluded that the value of the public ways proposed to be vacated is zero dollars.

In this letter, we will provide an executive summary of Mr. Schuler’s appraisal and an explanation of his appraisal methodology in the context of the real property interest that the Roseburg Municipal Code (“RMC”) requires be appraised. With respect to appraising the value of the subject public ways to be vacated, there are a number of principals and other matters that should be considered as follows:

**1. Dedication.**

The real property records reflect that each of the public ways proposed for vacation was dedicated to the public by private property owners, and principally through the platting of the subdivision known as Mulholland Meadows.<sup>1</sup> Accordingly, the city did not pay for the subject public ways using public funds. Moreover, presumably the subdivision developers paid for the cost of building the streets; although in their present condition, it appears the street improvements are in very poor condition and fall far short of meeting any current city street improvement standards.

Notwithstanding any appraised value of the same, pursuant to RMC §4.06.110 A., the City Council has the discretion to decide not to make any assessment to abutting property owners on account of the vacation of a public way. We understand that historically, the Council has generally not imposed any assessment on account of a street vacation. Moreover, where the subject public ways were originally dedicated and improved by private property owners and not acquired with public funds, we believe that as a matter of public policy, no assessment should be imposed in any case.

**2. Ownership of Fee and Nature of Property Interest Dedicated.**

It is a fundamental principal of Oregon real property law that where a private property owner dedicates a right-of-way to the public (as happened here with respect to the subject public ways proposed for vacation), *the property interest acquired by the public is merely an easement*. The fee simple ownership of the strips of land subject to the dedicated public ways remains vested in the abutting property owners (through the dedicator). Thus, when a public way is vacated, the public easement is simply discharged and the abutting property owners continue to own the fee simple interest in the land free of the public easement. The foregoing legal principles are well established by a long line of cases that date back over 100 years. *See Fowler v. Gehrke*, 166 Or 239, 241, 111 P2d 831 (1941); *Portland Baseball Club v. City of Portland*, 142 Or 13, 16, 18 P2d 811 (1933); *McHargue v. Calchina*, 78 Or 326, 333–34, 153 P 99 (1915); *John P. Sharkey Co. v. City of Portland*, 58 Or 353, 362, 114 P 933 (1911); *Siegenthaler v. N. Tillamook Cnty. Sanitary Auth.*, 26 Or App 611, 615, 553 P2d 1067 (1976).

In short, when valuing a public right-of-way easement, the appraiser must consider that the abutting property owner or owners already own the fee simple interest in the real property that is subject to the public easement.

**3. The City’s Code Requires an Appraisal of the “Public Way Proposed to be Vacated.”**

The city’s code is quite specific with respect to the nature of the real property interest to be appraised. RMC §4.06.070 requires that the applicant seeking the vacation of a public way provide an “appraisal of the value of the *public way proposed to be vacated* prepared by an appraiser licensed by the State of Oregon and qualified to appraise *the type of public way to be vacated*.” (Emphasis added). Similarly, RMC §4.06.110.A, which pertains to City Council determinations

related to a public way vacation request, includes the Council's discretion to determine "what amount, if any, should be assessed for the *value of the public way to be vacated* \* \* \*." (Emphasis added).

Thus, it is clear that the city's code requires an appraisal of the public's present *easement* interest in the public way(s) proposed for vacation. The code does *not* call for an appraisal of the fee simple interest value of the land subject to the public easement *after the public easement is vacated*; nor does the code require an appraisal of the *value of any special benefit* that may accrue to the abutting property owner(s) as a consequence of the vacation.

This is not to say that in the future, the city would be prohibited from amending its code to require an assessment equal to the appraised value of the special benefit to the abutting property owners based on the per-square-foot fee simple market value of the abutting property. The city can certainly so amend its code. Presently, however, the city's code does not require any such assessment, nor does it require a fee simple market value appraisal. Presently, only the present value of the public way (easement) proposed to be vacated must be appraised.

By way of contrast, *some* municipalities do have public way vacation ordinances that *require* an appraisal of the fee simple value or special benefit value to the abutting property owners after the public way is vacated.<sup>2</sup>

For example, under the city of Eugene's municipal code, property owners benefitted by the vacation of a public way are obligated to pay an assessment that is based on the value of the public way as if the same were real property actually owned by the public in fee simple. Section 9.8710(5) of Eugene's municipal code requires an "*assessment of special benefit that results from the vacation and disposition of property to the benefitted property owners*" and requires that such special benefit be valued based on the value of the abutting benefitted property. Similarly, the city of Salem's municipal code [§255.065(7)(C)] allows (but does not require) the city council to make an *assessment of the special benefit* of a privately initiated street vacation to the abutting benefitted property owners. The city of Florence, Oregon requires that there be an assessment made to abutting property owners benefitted by a right-of-way vacation and Section 8-3-4-2 of the Florence municipal code requires that in the absence of more relevant information, the value of the public way is to be "*calculated based on the square foot value of abutting real property* \* \* \*, less a percentage for easements retained for public use." (Emphasis added).

In each of the three jurisdictions mentioned immediately above, the relevant municipal code sections clearly require that the land subject to the public right-of-way to be vacated or the special benefit to the abutting property owner be valued as a fee simple interest unencumbered by the public easement. And, if that is what the city of Roseburg's code *presently* required, then a fee simple market value appraisal of the subject strips of land is what we would have submitted on behalf of Hanna LP. Yet, as noted above, the Roseburg Municipal Code very clearly does *not* call for a fee simple market value appraisal or special benefit appraisal. To the contrary, the city's

code only requires an appraisal of the value of the public easement itself—and an appraisal of that public easement value is exactly what has been submitted in support of Hanna LP’s right-of-way vacation application.<sup>3</sup>

#### 4. Valuing the Public Easement.

Inasmuch as the ordinance vacating the subject public ways will reserve (or require a grant of) easements for any existing utilities within the public ways, the appraisal we submitted only values the public street right-of-ways. It does not include the value of any utility easements within those right-of-ways because such easements will be preserved.

Moreover, because a dedicated public street right-of-way for pedestrian and vehicular access is a form of “public access easement” that cannot be developed with buildings or other similar improvements; it was concluded that the appraisal called for under the applicable Roseburg Municipal Code sections requires an appraisal of the public interest value of the subject public ways; since apart from the public interest value of the public ways “to be vacated”; unless vacated, those public ways have no other value except for use as the public right-of-ways for which they were originally dedicated to the public. As mentioned on page 29 of the appraisal, “[s]ince a public right-of-way does not have a market value per se, the value is to be determined based on the public interest value of the subject public ways.”

In determining the public interest value in the subject public ways, and based on his careful analysis of the relevant appraisal criteria, Mr. Schuler reached the following conclusions in his appraisal:

a. First, that “[a]s a public agency, the City of Roseburg is responsible for the costs associated with maintenance of [the subject] roadways and has exposure to liability with the continued public use of [those] roadways. In our opinion, this is not a benefit *but considered a detriment to the public.*” (Appraisal, page 32; emphasis added).

b. Second, that the subject right-of-ways exclusively serve properties owned by Hanna LP and its wholly owned subsidiary companies; and do not serve any property owned by any other person or entity, public or private.<sup>4</sup> (Appraisal, pages 5 and 26). “The roadways serve no practical public use given the continuity of ownership of abutting properties and could be considered “roadways to nowhere” given the historical changes in serviceability of the roadways to the general public. (Appraisal, page 32).

c. Third, that there is no standalone development potential for the subject roadways that would provide an economic return to the land without assemblage with adjacent or abutting property. (Appraisal, page 32).

d. Fourth, given that the subject roadways are located west of Mulholland Drive and given the location of the Interstate 5 freeway further to the west, this precludes any probable or practical requirement for extension of any of the subject roadways for the benefit of the public. (Appraisal, page 32).

In short, based on the studies and examinations made as described in his appraisal, Mr. Schuler concluded and gave his opinion that the public interest value of the subject public ways is zero dollars.

#### **5. Additional Consideration.**

In addition to Mr. Schuler's conclusions summarized above which support his opinion that the value of the subject public ways is zero dollars, we would also point out that the value of the public ways may even be further diminished by the fact that keeping the streets as public ways is contrary to the city's stated goals of encouraging the efficient use of land and fostering compact urban growth. The subject streets impair the redevelopment of the subject property to its highest and best use; thereby adding impetus to accommodate such growth by expanding the city's existing Urban Growth Boundary. This added consideration only further supports Mr. Schuler's opinion that the subject roadways do not provide a public benefit, but are in fact a detriment and have a zero public interest value.

#### **6. Maximum Assessment.**

As discussed above, pursuant to RMC §4.06.110 A., the City Council has the discretion to decide not to make any assessment to abutting property owners on account of the vacation of a public way. Accordingly, even if the appraisal submitted by Hanna LP had concluded that the subject public ways have a monetary value greater than zero, because the subject public ways were originally dedicated by Hanna LP's predecessors-in-interest as private property owners and were thus acquired by the public without the expenditure of public funds, it would be entirely fair and appropriate for the Council to exercise its discretion to not make any assessment. Such an exercise of discretion would also appear to be supported by past precedent given our understanding that the Council has never (or only in a rare instance) previously imposed such an assessment.

Nevertheless, even if the Council were to decide that an assessment should be made in this particular instance notwithstanding past precedent and the fact that the subject public ways were dedicated and not acquired through the expenditure of public funds, the Council is limited as to the amount of the assessment that is allowed. More specifically, RMC §4.06.110.A. provides that if the Council determines that an assessment should be made, "[t]he amount of such assessment shall not exceed the value of the property as determined by the appraisal presented by the applicant." (Emphasis added).

Mayor and City Council  
June 20, 2016  
Page 6

The applicant has presented an appraisal of the public ways to be vacated as required by the city's code, and that appraisal concludes that the subject public ways have a zero value. Accordingly, even if the Council were inclined to impose an assessment in this particular case, the assessed amount is limited by the appraised value determined in the appraisal.

Respectfully submitted,



PAUL V. VAUGHAN

PVV:tp

cc: Alex Palm (by e-mail only)  
Polly J. Johnson (by e-mail only)  
Bruce Hanna (by e-mail only)  
Susan Rachor (by e-mail only)  
Richard Boyles (by e-mail only)

Endnotes:

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<sup>1</sup> The street dedications which currently comprise the subject public ways were made and are shown as follows:

a. Except for the westerly 20-feet of that portion of Rutter Lane that was not included in following described subdivision plat; (i) the balance of Rutter Lane, (ii) all of the northerly Cecil Street located west of Mulholland Drive, and (iii) all of Bethel Street, were dedicated to the City of Roseburg by Delmar and Frances Young, John and Lila McFarland, and E.G. and Inga High (collectively, “Young/McFarland/High”) in connection with their platting of the original plat of Mulholland Meadows, Douglas County, Oregon, filed in the Douglas County plat records on September 18, 1946, and as shown on the subdivision survey plat dated August 1946 and recorded in Volume 6, Page 54, of the Douglas County records (the “Mulholland Plat”). A copy of the Mulholland Plat accompanies this letter, with added annotations regarding renamed streets and enlarged excerpts of the plat to show additional detail.

b. The westerly 20-feet of that portion of Rutter Lane that was not dedicated by Young/McFarland/High as a public street right-of-way in connection with the platting of the above described Mulholland Meadows, is nevertheless also shown on the Mulholland Plat as a roadway “dedicated to the public”; which Mulholland Plat was approved by the then County Judge, County Assessor, County Surveyor, and City of Roseburg Engineer. Moreover, that portion of Rutter Lane is also shown on the survey filed in Douglas County, Oregon in February of 1935 (Cross Reference No. 18057) filed by A.E. Rutter for the purpose of dividing a 2-acre tract of land known as “A.E. Rutter’s Land” into approximately four, one-half acre “tracts.”

<sup>2</sup> While some municipalities may require that an assessment be made to abutting property owners benefitted by a right-of-way vacation, and while some other jurisdictions (such as the city of Roseburg) allow, but do not require an assessment, there are certainly other municipalities (including the city of Portland) that do not require any appraisal or assessment of any value to abutting property owners as a consequence of the vacation of a public way.

<sup>3</sup> We recognize that in other cases involving privately initiated right-of-way vacation proceedings that may have come before the Council, the applicant may have submitted a fee simple market value appraisal of the strip of land at issue. This may have occurred, for example, where the applicant, without a careful review of the city’s code and without an appreciation of the fundamental principles of Oregon real property law discussed in this letter, simply contacted an appraiser and requested a fee simple market value appraisal of the land. Alternatively, an appraiser who has previously provided one or more appraisals for right-of-way vacations processed in municipalities whose codes call for an appraisal similar to that required by the codes of the cities of Eugene, Salem, and/or Florence, may have *assumed* that Roseburg’s municipal code requires the same type of appraisal, without having actually studied the requirements of Roseburg’s code.

For the reasons discussed in this letter, however, a careful review of the Roseburg Municipal Code and an understanding of the Oregon real property principles addressed in this letter proves that the city’s code requires an appraisal of the *value of the public right-of-way easement*, and *not* a fee simple market value appraisal of the subject strips of land *after* the public easement is vacated. Hanna LP has provided the type of appraisal required by the city’s code.

<sup>4</sup> The subject public ways abut or have frontage on thirteen tax lots that are all owned by the same company, Hanna LP, either directly or through its wholly owned subsidiaries, Hanna Hospitality LLC (now known as Hanna Retail Investments LLC) and Hanna Hospitality VII, LLC; which tax lots include Lot 4200 on Assessor’s Map 2706W13BA, which tax lot is presently developed with the Windmill Inn hotel and which abuts the southerly margin of Bethel Street. In fact, with the exception of a small .06 acre “remnant” lot owned by the city and identified as Tax Lot 6400 on Assessor’s Map 2706W12CD, Hanna LP and its subsidiaries own all of the real property (consisting of a total of 19 separate tax lots) located east of the Interstate 5 right-of-way, north of Garden Valley Blvd., west of Mulholland

Mayor and City Council  
June 20, 2016  
Page 8

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Drive, and south of the centerline of now vacated Pearl Street (which is the northerly boundary of the Coca-Cola distribution plant).

**Plat of Mulholland Meadows**

**"MULHOLLAND MEADOWS"**  
Secs. 12+13, Twp. 27S., R. 6 W. 11E.  
DOUGLAS COUNTY, ORE.  
  
ARTHUR BOYER  
SURVEYOR  
OREGON LIC. NO. 1581  
AUG. 1996 SCALE 1"=150'

**VOL. 6 PAGE 54**

**SURVEYORS CERTIFICATE**

I, Arthur Boyer, being first duly sworn, depose and say that I have surveyed and marked with proper monuments the lands shown on the annexed plat of which the following is a true and correct description:

Beginning at the Initial Point, a 2" x 36" galvanized iron pipe set 6" below the surface of the ground from which the N.W. corner of the d. Huntley D.L.C. N° 56, Twp 27S. R. 6W. W. M bears S. 58° 20' E 106.1 ft. Thence running N 70° 30' W 215 ft. thence North 617.5 ft. thence West 385 ft. thence North 465 ft. thence N 71° 35' W 445.7 ft. thence N. 0° 25' E 837.5 ft. thence S 88° 56' E 829.6 ft. thence South 872.3 ft. thence South 226 ft. thence East 162.5 ft. thence S 1° 15' E 832.9 ft. thence West 80 ft. thence S 0° 20' E 146.4 ft. thence N 87° 39' W 15 ft. thence N 78° 49' W 75.4 ft. thence N 70° 30' W 215 ft. to the place of beginning, containing 26.1 Acres more or less and being situated in Secs. 12 + 13, T. 27S. R. 6W. Willamette Meridian, Douglas County, Ore.

Note: The center line of Mulholland Drive is the property line of the two properties and was assumed to be North and South according to the deeds thereof and was used as a base-line for this survey

*Arthur Boyer*  
Surveyor

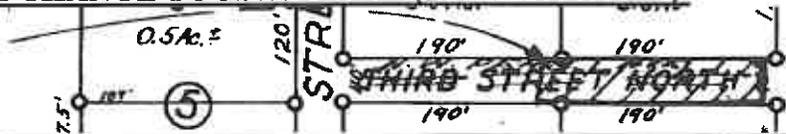
Subscribed and sworn to before me, this 29th day of August 1946

*Roy A. Lee*  
County Clerk

**NOTE THE FOLLOWING STREET NAME CHANGES ON THE PLAT (p.v.v):**

**THIRD STREET NORTH NAME CHANGE TO N.W. PEARL (NOW VACATED):**

VACATED BY CITY OF ROSEBURG  
ORD. No. 3142 RECORDED OCT. 22, 2003  
AS INSTRUMENT No. 2003-028854  
CS FILE 67/7-1

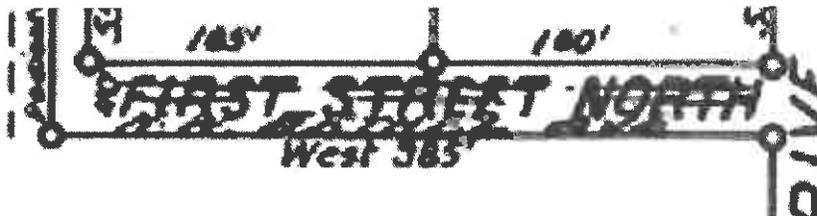


**SECOND STREET NORTH NAME CHANGE TO N.W. CECIL:**

STREET NAME CHANGES  
BY RRSC, REC. VOL 252 D.R. 83



**FIRST STREET IS NOW BETHEL STREET:**



FILED - Sept 18<sup>th</sup> 1946  
*J. H. Hall*

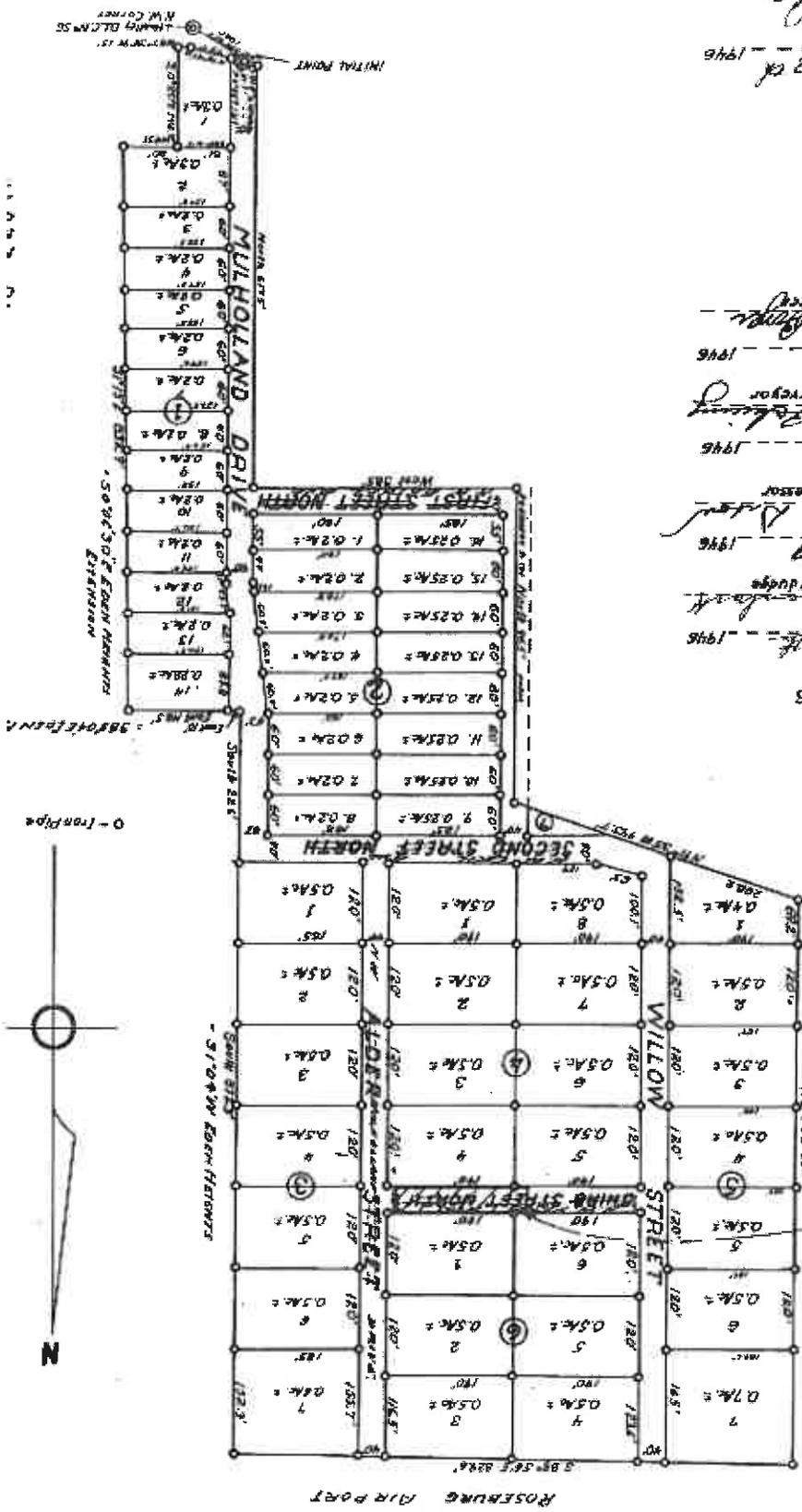
APPROVED - Sept 6 - 1946  
*W. H. ...*  
 City Engineer

APPROVED - Sept 5 - 1946  
*...*  
 County Surveyor

APPROVED - Sept 9 - 1946  
*...*  
 County Assessor

APPROVED - Sept 18<sup>th</sup> - 1946  
*...*  
 County Judge

APPROVALS



FILED BY CITY OF ROSEBURG  
 TRUMENT NO. 2003-028854  
 CS FILE 67/74

1  
2  
3  
4  
5  
6  
7

0 - Iron Pipe



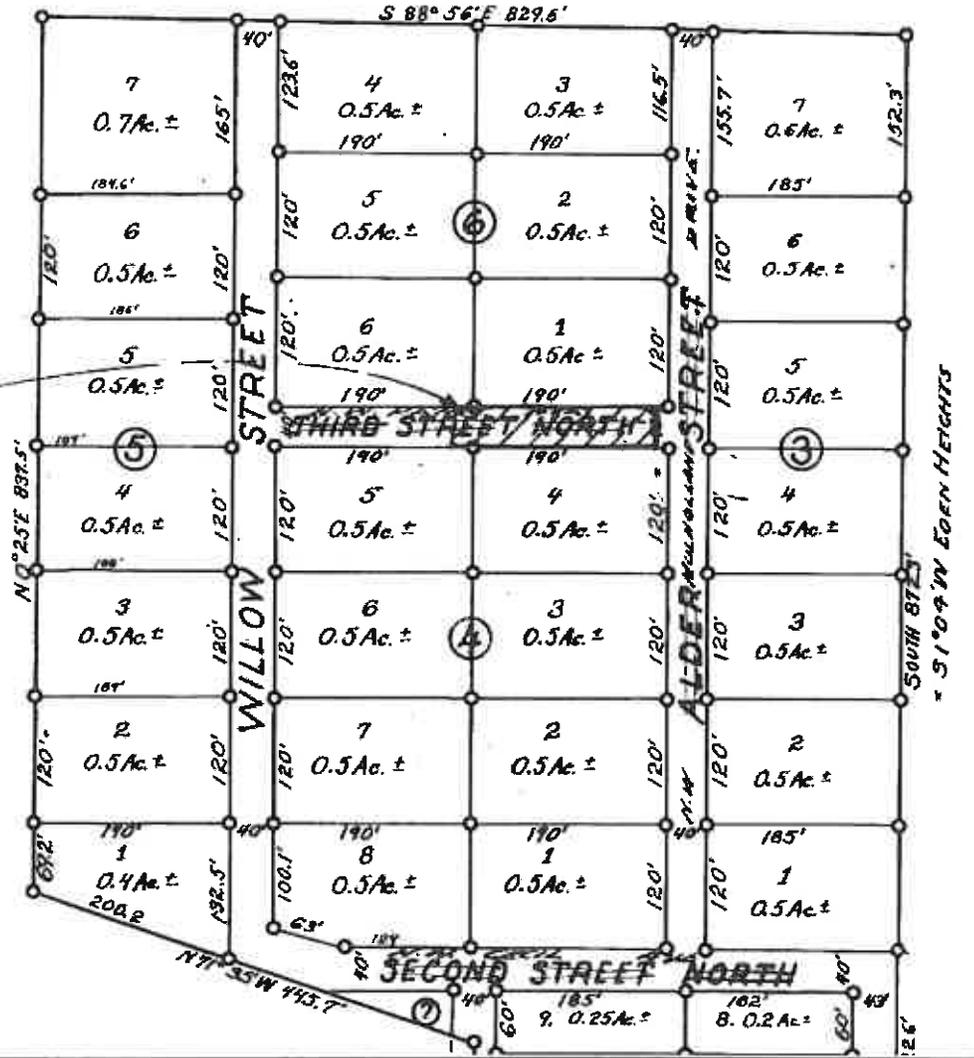
SEE BELOW FOR ENLARGED EXCERPTS OF THE ABOVE PLAT MAP

[Note that the Interstate 5 Highway Project condemned a substantial portion of the subdivision along its westerly boundary.]

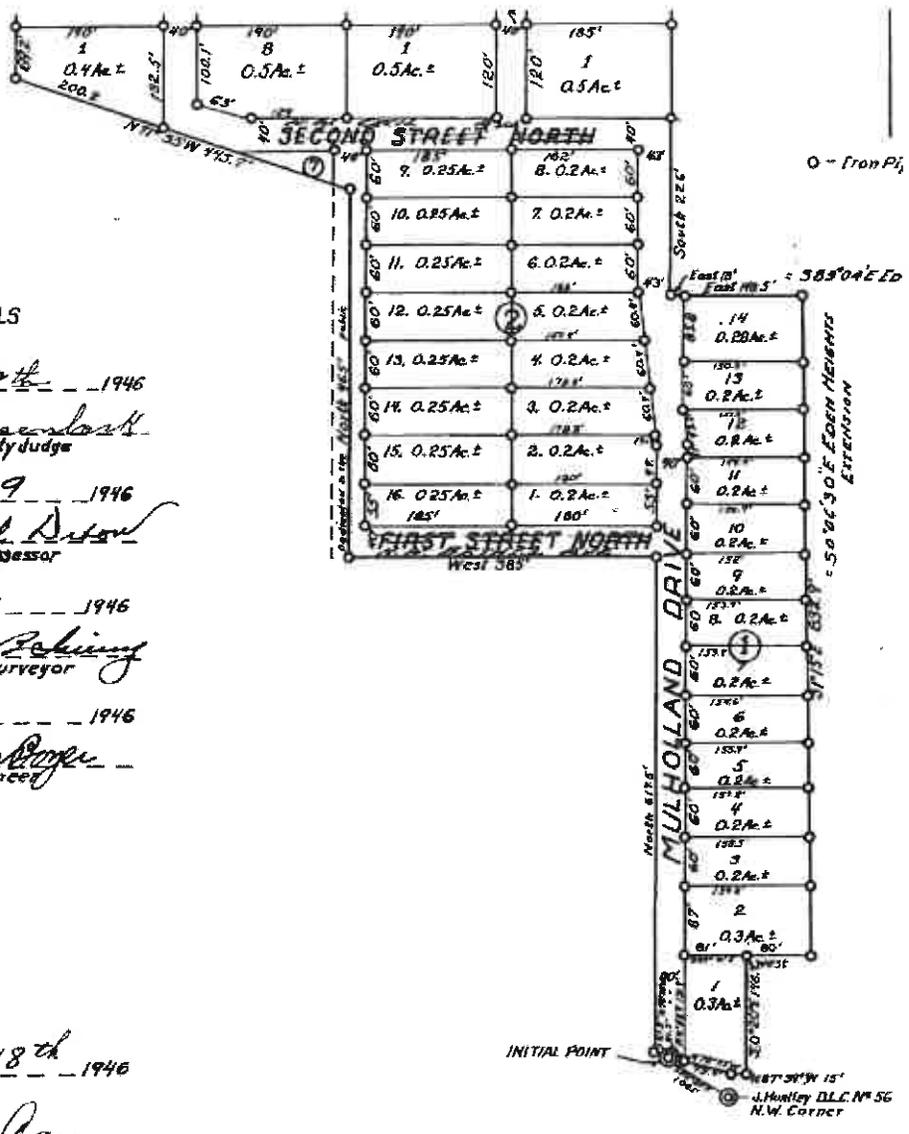
ROSEBURG AIRPORT

VACATED BY CITY OF ROSEBURG  
 ORD. No. 3142 RECORDED OCT. 22, 2003  
 AS INSTRUMENT No. 2003-028854  
 CS FILE 677-1

STREET NAME CHANGES  
 BY RRSC, REC. VOL 232 P. 83



STREET NAME CHANGE  
By R.R.C. Act No. 252 P.R. 63



APPROVALS

APPROVED Sept. 18<sup>th</sup> 1946

D. B. Busenbark  
County Judge

APPROVED Sept. 9 1946

Ned Dixon  
County Assessor

APPROVED Sept. 6 1946

Paul Polking  
County Surveyor

APPROVED Sept. 6 1946

Arthur Pope  
City Engineer

FILED Sept. 18<sup>th</sup> 1946

Roy Riqu  
County Clerk

DEDICATION ON PLAT:

DEDICATION

*KNOW ALL MEN BY THESE PRESENTS that we, Delmar D. Young and Frances M. Young his wife, John W. McFarland and Lila A. McFarland his wife, and Inga H. High and E. G. High, her husband owners of lands shown on the annexed plat have caused the same to be surveyed and platted as and by the name of "Muholland Meadows" and we hereby dedicate to the public use forever the streets shown thereon.*

**Sheila R. Cox**

---

**To:** Bruce Coalwell (dccbrc@roseburglaw.com)  
**Cc:** Lance Colley; Brian R. Davis  
**Subject:** Hanna Vacation  
**Attachments:** Council Memo-Cecil-Rutter-Bethel-Hanna.doc; ORDINANCE-CECIL-RUTTER-BETHEL-HANNA.doc

OK – here's my staff report *and* the ordinance on the above subject. Please let me know of any needed changes. Thanks!

***Sheila R. Cox, MMC, City Recorder  
City of Roseburg  
900 SE Douglas  
Roseburg, OR 97470  
Phone: 541/492-6866  
Email: [scox@cityofroseburg.org](mailto:scox@cityofroseburg.org)***



## ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

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### PUBLIC HEARING - PROPOSED PLAT AND STREET VACATION INVOLVING A PORTION OF CECIL STREET, RUTTER LANE AND BETHEL STREET RIGHTS-OF-WAY AND THE INTERIOR LOT LINE AND RIGHTS-OF-WAY LOCATED WITHIN MULHOLLAND MEADOWS SUBDIVISION IN THE CITY OF ROSEBURG

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**Meeting Date:** July 11, 2016  
**Department:** City Recorder  
**[www.cityofroseburg.org](http://www.cityofroseburg.org)**

**Agenda Section:** PUBLIC HEARING  
**Staff Contact:** Sheila Cox and Lance Colley  
**Contact Telephone Number:** 492-6866

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**ISSUE STATEMENT AND SUMMARY:** Council will be conducting a public hearing to receive comments from property owners that could be affected by the proposed plat and street vacation involving a portion of Cecil Street right-of-way, Rutter Lane right-of-way, Bethel Street right-of-way and the interior lot line and rights-of-way located within Mulholland Meadows Subdivision.

#### **BACKGROUND:**

**A. Council Action History.** n/a

**B. Analysis.** The City initiated the proposed plat and street vacation in response to a supported application filed by Hanna Limited Partnership, Hanna Seven LLC and L/B Limited Partnership – owners of all property adjacent to the rights-of-way and plat being vacated. The property owners plan to redevelop the entire parcel in multiple phases. Phase 1 will be the development of “Hampton Inn & Suites” which should be finalized and ready for business next summer.

The vacation will not be made if the owners of a majority of the area affected object in writing thereto, or if such action will negatively impact the market value of the real property lying on either side of the area proposed to be vacated and extending laterally to the next street that serves as a parallel street. Notice of the public hearing on this proposed plat and street vacation was published in The News-Review on June 26 and July 3, 2016; mailed to affected property owners and posted in at least two conspicuous places within the proposed vacation area on June 25, 2016. As of the writing of this memo, Staff has received no response to the notice.

The applicants hired the professional real estate appraisal firm of Brown, Chudleigh, Schuler, Myers and Associates from Eugene to conduct an appraisal of the property being vacated. Based upon multiple factors that are outlined in the attached letter from Hanna LP’s attorney, Paul Vaughan, the appraiser concluded there was no monetary value in the public ways being vacated. The appraisal and attached letter from Mr. Vaughan have been received by City Attorney Coalwell and the City Manager and they are satisfied with the evaluation criteria articulated by the applicants.

In accordance with state law, ownership of the vacated property will go to the adjoining property owner(s) in the same manner in which it was originally dedicated as right-of-way.

**C. Financial and/or Resource Considerations.** The applicant has paid the vacation application fee, and made a deposit toward the cost of publishing, posting and mailing the notice of public hearing and recording the ordinance. If the actual cost exceeds the amount deposited, the applicant will be required to pay the difference. If the cost is less than the deposit, the difference will be refunded to the applicant.

As pointed out in Section 1 and 2 of Mr. Vaughan's letter and pages 4 and 5 of the appraisal, the right-of-way to be vacated was not acquired by fee title by the City, but was dedicated by the property owners as part of a subdivision plat. The public ways currently serve only property owned by the applicant and thus serve no other "public" purpose. In addition, new public utility easements will be required to insure orderly and efficient continuation of services provided by the City of Roseburg and private franchise utility providers. The right-of-way acquired as part of this vacation will go back on the tax rolls and become part of the multi-phase development at this location.

Due to the limited public value of the right-of-way being vacated, the applicant has requested they not be assessed for that value. However, in accordance with RMC 4.06.110, Council must make that determination. If Council is interested in assessing the applicant, we will need to continue the public hearing until the applicant has an opportunity to respond.

**D. Timing Issues.** If Council concurs with the appraisal that the value of the right-of-way is minimal enough that the applicant should not be assessed, Council may proceed with the public hearing as scheduled. If no objections to the proposed vacation are heard during the public hearing, after the Mayor closes the hearing, it would be appropriate to proceed with first reading of the ordinance attached to this memo.

**COUNCIL OPTIONS:** Council has the option to:

1. continue the public hearing, direct Staff to advise the applicants that Council has determined they should be assessed the value of the property, and delay first reading of the ordinance until after the applicant has had an opportunity to respond; or
2. direct Staff to conduct first reading of the proposed ordinance vacating the subject right-of-way without an assessment of the value; or
3. deny the proposed vacation.

**STAFF RECOMMENDATION:** Staff recommends Council proceed with first reading of the proposed ordinance without levying an assessment for the value of the property.

**SUGGESTED MOTION:** If Council concurs with Staff's recommendation, no motion will be required, simply a consensus to proceed with first reading of the ordinance.

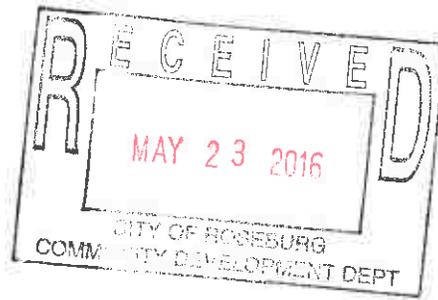
**ATTACHMENTS:** Proposed Ordinance w/map of the subject area

**cc:** Alex Palm; i.e. Engineering; 809 SE Pine St./Subject Vacation File/Chrono File

PAUL V. VAUGHAN  
Direct: (541) 302-5244

May 19, 2016

Teresa Clemons  
City of Roseburg  
Planning Department  
900 SE Douglas Avenue  
Roseburg, OR 97470



RE: Hanna Limited Partnership  
Appraisal of Public Right-of-Ways Proposed to be Vacated  
(Bethel Street, Northerly Cecil Street and Rutter Lane)  
Our File No. 33880.18

Dear Teresa:

Enclosed is an original bound copy of the appraisal described above.

Thank you.

Yours truly,

  
PAUL V. VAUGHAN

PVV:ao  
Enclosure

cc: Polly Johnson (by e-mail)  
Susan Rachor (by e-mail)

**APPRAISAL OF:**

**Bethel Street Between Rutter Lane and Mulholland Drive; Rutter Lane Between its Southerly Terminus and the Southerly Margin of Northerly Cecil Street; and Northerly Cecil Street Between the Interstate 5 Right-of-Way and Mulholland Drive**

**Prepared For:  
Hershner Hunter, LLP**

**Report Date:  
May 17, 2016**

**Date of Value:  
September 11, 2015**

**BROWN, CHUDLEIGH, SCHULER, MYERS, AND ASSOCIATES**  
REAL ESTATE APPRAISALS – CONSULTING

  
CASCADE CHARTER COMPANY, LLC

## TABLE OF CONTENTS

	<u>Page</u>
Letter of Transmittal .....	1
Appraisal Problems and Issues .....	4
Summary of Salient Data .....	5
Purpose of Appraisal .....	7
Client/Intended Use/Users of the Appraisal.....	7
Date of Value.....	7
Date of Inspection.....	7
Property Rights Appraised.....	8
Definitions.....	8
Scope of Appraisal .....	10
Legal Description.....	12
Property Ownership and History .....	14
Exposure and Marketing Time.....	15
Location Analysis .....	16
The Roadways.....	26
Highest and Best Use .....	31
Assessed Valuation and Taxes .....	33
Land Value by Comparison .....	33
Public Interest Value .....	33
Valuation .....	36
Assumptions and Limiting Conditions.....	37
Certification.....	40

### Addenda

- Subject Photographs

### Qualifications

BROWN, CHUDLEIGH, SCHULER, MYERS, AND ASSOCIATES

REAL ESTATE APPRAISALS - CONSULTING

LAWRENCE E. BROWN, MAI CRE (1942-1990)

WALTER H. CHUDLEIGH III, MAI

GREGORY S. SCHULER

DEAN A. MYERS

May 17, 2016

Paul Vaughan  
Hershner Hunter, LLP  
180 East 11<sup>th</sup> Avenue  
PO Box 1475  
Eugene, Oregon 97440

Reference: Right-of-Way Appraisal for Proposed Street Vacations:

Bethel Street between Rutter Lane and Mulholland Drive;  
Rutter Lane between its southerly terminus and the  
southerly margin of northerly Cecil Street; and northerly  
Cecil Street between the Interstate 5 right-of-way and  
Mulholland Drive

Our File No. 4144.1.

Dear Mr. Vaughan:

In response to your request, we have personally examined and appraised the value of the public street right-of-ways identified as Bethel Street between Rutter Lane and Mulholland Drive; Rutter Lane between its southerly terminus and the southerly margin of northerly Cecil Street; and northerly Cecil Street between the Interstate 5 right-of-way and Mulholland Drive.

As requested, the purpose of this appraisal is to set forth our opinions relative to the public interest value of the public ways proposed to be vacated. In that regard, you, as our client, have provided to us a copy of Chapter 4.06 of the Roseburg Municipal Code titled "Vacation of a Public Way" and you have specifically drawn our attention to Sections 4.06.070.B and 4.06.110.A of that Chapter. We note that Section 4.06.070.B calls for an "appraisal of the **public way proposed to be vacated** prepared by an appraiser licensed by the State of Oregon and qualified to appraise the type of **public way to be vacated**." Similarly, Section 4.06.110.A that pertains to City Council determinations related to a public way vacation request includes the Council's determination of "what amount, if any, should be assessed for the **value of the public way to be vacated** based on the appraisal presented by the applicant."

It is our understanding that this appraisal report will be submitted to the city of Roseburg pursuant to Roseburg Municipal Code Section 4.06.070.B for the city's use and consideration in connection with an application to be filed by or on behalf of your client, Hanna Limited Partnership (and/or one or more wholly owned subsidiary companies of the same) in connection with an application seeking the vacation of the above described public ways. No other purpose, use, or users of this appraisal report are authorized or intended.

This appraisal report is prepared in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP); the Financial Institution's Reform, Recovery, and Enforcement Act of 1989 (FIRREA); and Chapter 12 Code of Federal Regulation Part 34 (12CFR34) of the Office of the Comptroller of the Currency titled, "Real Estate Appraisals." This report is also prepared within the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, the Interagency Appraisal and Evaluation Guidelines (effective December 10, 2010). This appraisal assignment is not based upon a requested minimum valuation, a specific valuation, or the approval of a loan.

Based upon the studies and examinations made, the opinion is formed, subject to the limiting conditions and assumptions stated herein, that the **public interest value** held by the City of Roseburg in the subject roadways based upon economic and market conditions as of September 11, 2015 is as follows:

**"As Is" Public Interest Value in the public street right-of-ways of Bethel Street between Rutter Lane and Mulholland Drive; Rutter Lane between its southerly terminus and the southerly margin of northerly Cecil Street; and northerly Cecil Street between the Interstate 5 right-of-way and Mulholland Drive:**

**(September 11, 2015)**

**ZERO DOLLARS**

**\$0.00**

The following is an appraisal report which includes the property description, market data, and value analysis which form the primary basis for the opinion of market value as stated herein.

Respectfully submitted,

BROWN, CHUDLEIGH, SCHULER,  
MYERS, AND ASSOCIATES



GREGORY S. SCHULER  
Oregon State Certified Appraiser  
License No. C000268  
Expiration Date: May 31, 2017

## APPRAISAL PROBLEMS AND ISSUES

In this appraisal assignment, the client has engaged the appraiser to provide an opinion of **public interest value** in the three public street right-of-ways that are the subject of this appraisal. Since most appraisal assignments for real property ask for market value, it is incumbent upon the appraiser to be sure the user of the report is not confusing market value with any other value such as public interest value. As a result, we are stating the requested value parameter of our engagement in this section of the report which is **public interest value** and not market value in order for the user to understand the format and analysis presented in this appraisal.

As will be discussed in more detail later in this report, it should be recognized and acknowledged that in most cases in valuing public interest, the appraiser is developing support for the rationale of paying above market value to satisfy social, political, or public agency goals. As will be discussed and demonstrated in this report, just the inverse of typical public interest value is being applied in this appraisal. In other words, the real estate problem to be addressed in this report is, "do the subject roadways have any further public use or public interest value?"

It should also be acknowledged that there may be above ground and underground public and private utilities located within the public street right-of-ways to be vacated, such as water, sanitary sewer and storm sewer mains and lines, and electric distribution and transmission lines, and telephone, cable and electronic data transmission lines and associated infrastructure. You have also advised us that your client's street vacation application will request that the street vacations be conditioned on a grant or reservation of any necessary public and/or private utility easements as necessary for any public or private utilities located within the street right-of-ways to be vacated. Accordingly, you have asked us to disregard the value of any such public or private utility "easements" since those public and private utility easements will effectively be preserved following the vacation of the public street right-of-way. Thus, only the value of the public street right-of-way to be vacated is the subject of this appraisal.

We discussed with our client that since a dedicated public street right-of-way for pedestrian and vehicular access is a form of “public access easement” that cannot be developed with buildings or other similar improvements; it appears that the appraisal called for under the applicable Roseburg Municipal Code sections requires an appraisal of the **public interest value** of the above referenced roadways as public streets; since apart from the public interest value of the public ways “to be vacated; unless vacated, in our opinion, those streets have no other value except as the public ways for which they were originally dedicated to the public. Yet, as discussed below, those public ways now only serve real property vested in Hanna Limited Partnership and its wholly owned and controlled subsidiaries.

It should be noted that the subject roadways abut or have frontage on thirteen tax lots that are all owned by the same company, Hanna Limited Partnership, either directly or through its wholly owned subsidiaries, Hanna Hospitality LLC and Hanna Hospitality VII, LLC (collectively, “Hanna”); which tax lots include Lot 4200 on Assessor’s Map 2706W13BA, which tax lot is presently developed with the Windmill Inn hotel and which abuts the southerly margin of Bethel Street. In fact, with the exception of a small .06 acre “remnant” lot owned by the city and identified as Tax Lot 6400 on Assessor’s Map 2706W12CD, Hanna owns all of the real property (consisting of a total of 19 separate tax lots) located east of the Interstate 5 right-of-way, north of Garden Valley Blvd., west of Mulholland Drive, and south of the centerline of now vacated Pearl Street (which is the northerly boundary of the Coca-Cola distribution plant). Reference is made to the plat map in “The Roadways” section of this report.

In short, the public street right-of-ways subject to this appraisal exclusively serve properties owned by Hanna; they do not serve any property owned by any other person or entity, public or private.

**SUMMARY OF SALIENT DATA**

**Identification**

The public right-of-ways are identified as: Bethel Street between Rutter Lane and Mulholland Drive; Rutter Lane between its southerly terminus and the southerly margin of northerly Cecil Street; and northerly Cecil Street between the Interstate 5 right-of-way and Mulholland Drive.

**Land Area**

**Roadways Land Area Summary**

Identification	Acres <sup>(1)</sup>	Sq. Ft.
Bethel Street	0.35	14,545
Rutter Lane	0.47	20,535
"Northerly" Cecil Street	0.27	11,619
Total	<u>1.09</u>	<u>46,699</u>

**Interest Appraised**

Public Interest Value

**Effective Date of Value**

September 11, 2015

**"As Is" Public Interest Value in the right-of-ways of Bethel Street between Rutter Lane and Mulholland Drive; Rutter Lane between its southerly terminus and the southerly margin of northerly Cecil Street; and northerly Cecil Street between the Interstate 5 right-of-way and Mulholland Drive**

\$0.00

## PURPOSE OF APPRAISAL

The purpose of this appraisal is to set forth our opinions relative to the **public interest value** in the subject public ways (public street right-of-ways) that were previously dedicated to the City of Roseburg.

## CLIENT/INTENDED USE/USERS OF THE APPRAISAL

The client for this appraisal assignment is Hershner Hunter, LLP; which firm requested this appraisal on behalf of its clients, Hanna Limited Partnership and that company's wholly owned and controlled subsidiary companies, Hanna Hospitality LLC and Hanna Hospitality VII, LLC (collectively, "Hanna"). It is our understanding that this appraisal report will be submitted to the city of Roseburg pursuant to Roseburg Municipal Code Section 4.06.070.B for the city's use and consideration in connection with an application to be filed by or on behalf of Hanna in connection with an application seeking the vacation of the above described public ways. No other purpose, use, or users of this appraisal report are authorized or intended.

## DATE OF VALUE

The opinion of **public interest value** set forth in this appraisal is stated assuming economic and market conditions as existing on September 11, 2015.

## DATE OF INSPECTION

The subject property was last physically inspected by the appraiser on September 11, 2015.

## PROPERTY RIGHTS APPRAISED

The property rights appraised herein pertain to the **public interest value** held by the City of Roseburg in the public roadways that are the subject of this appraisal.

## DEFINITIONS

### Public Interest Value

Monetary worth attributed to features that have no measurable worth in the market but may benefit the public or a specified segment of the public. While contrary to the theory of market value, public interest value is sometimes used to rationalize payment of a price that exceeds market value based on benefits to society resulting from increased ad valorem tax revenues, benefits of increases or changes in the value of surrounding property values, aesthetics, broad social benefits, and other factors. Reliance on public interest value to justify an above-market price is driven by politically motivated public policy and/or the efforts of special interest groups. Public interest value has sometimes been referred to as *natural value*, *intrinsic value*, *aesthetic value*, *scenic value*, *preservation value*, and similar terms.

Source: The Dictionary of Real Estate Appraisal, Fifth Edition, Appraisal Institute, 2010.

### Extraordinary Assumption

"An assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property such as market conditions or trends; or about the integrity of data used in an analysis."

Source: The Dictionary of Real Estate Appraisal, Fifth Edition, Appraisal Institute, 2010 and USPAP, 2014-2015 Edition.

**Corridor**

“A strip of land used for transportation or transmission purposes (e.g. rail, highway, power, information, slurries, liquids).”

Source: The Dictionary of Real Estate Appraisal, Fifth Edition, Appraisal Institute, 2010.

## SCOPE OF APPRAISAL

The scope of this appraisal has the primary function of researching pertinent information and developing opinions relative to the **public interest value** held by the City of Roseburg in the roadways that are the subject of this appraisal.

The scope of the process involved in the research, analysis, and presentation of the appraisal conclusions is inclusive of the following:

1. Discussions in order to accurately identify the nature and objective of the assignment;
2. A preliminary study is conducted in order to determine what information is required and the sources of the information; i.e., development consultants, title companies, real estate agencies, planning representatives, consultant, etc.;
3. General information relating to the subject region and specific information relating to the immediate subject area and the property itself is then assembled;
4. An analysis of demographic and economic trends in the subject region is conducted;
5. Based on the information reviewed, determinations are made in regard to the highest and best use of the property (roadways);
6. Information is assembled pertaining to market data for use in the valuation approach prepared for the subject. The sources of the market data primarily include the following:
  - Real estate database (RMLS)
  - County records
  - Representatives of local real estate agencies
  - Real estate appraisers
  - Property managers and ownership representatives
7. The results of the valuation approach utilized are thoroughly examined and a reconciliation or correlation of final value concluded;
8. An appraisal is presented with supporting information categorized and placed into the appraisal work file; and

9. The competency of the appraiser(s) in terms of providing reasonable and supportable conclusions of value is based upon experience in valuing properties having utility similar to the subject. This experience includes the appraisal of property types similar to the subject which are located within the local and regional market area which encompasses the subject community.

## LEGAL DESCRIPTION

Each of the subject public right-of-ways was surveyed by Brent Knapp, PLS, of i.e. Engineering, Inc., 809 S.E. Pine Street, Roseburg, Oregon. Mr. Knapp provided the following legal descriptions and acreage calculations for the subject right-of-ways:

### **BETHEL STREET:**

A tract of land being a portion of the BETHEL STREET Right-of-Way as platted on Mulholland Meadows, Volume 6, Page 54, Plat Records of Douglas County that lies between the Westerly Right-of-Way boundary of Mulholland Drive and the Southerly extension of the East boundary of Block 2, said plat of Mulholland Meadows, located in the Northwest Quarter of Section 13, Township 27 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of LOT 16, said Block 2, Mulholland Meadows; Thence Easterly along the South boundary of said LOT 16 and the South boundary of LOT 1, said Block 2, Mulholland Meadows, North 89°41'01" East, 335.59 feet to the Westerly corner of that portion of said LOT 1 dedicated to the City of Roseburg as described in the Right-of-Way dedication recorded as 1982-10935, Deed Records of Douglas County; Thence along the Northwesterly boundary of that portion of said LOT 1 described in Instrument Number 1982-10935, North 56°32'50" East, 23.22 feet to said Westerly Right-of-Way boundary of Mulholland Drive; Thence South 00°20'47" East, 75.94 feet to the Most Easterly Northeast corner of that land described in Instrument Number 2013-04081, Deed Records of Douglas County; Thence Northerly along the Easterly boundary of said Instrument Number 2013-04081 the following courses: North 40°56'49" West, 20.96 feet; Thence North 01°06'40" East, 7.35 feet to the most Northerly Northeast corner of said Instrument Number 2013-04081; Thence Westerly along the North boundary of said Instrument Number 2013-04081, South 89°41'01" West 342.20 feet to a point being the intersection of said North boundary and said Southerly extension of said Block 2; Thence North 00°32'17" East, 40.00 feet to the Point of Beginning and there terminating.

The above described tract contains 0.35 acres (14,545 square feet), more or less.

**RUTTER LANE:**

A tract of land being a portion of the RUTTER LANE Right-of-Way that lies between the South Right-of-Way boundary of Cecil Street as depicted on the plat of Mulholland Meadows, Volume 6, Page 54, Plat Records of Douglas County and the North boundary of that tract of land as described in instrument 2013-04081, Deed Records of Douglas County, located in the Southwest Quarter of Section 12 and the Northwest Quarter of Section 13, Township 27 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of LOT 9, Block 2, said plat of Mulholland Meadows, being on said South Right-of-Way boundary of Cecil Street; Thence West along said South Right-of-Way boundary North  $89^{\circ}29'42''$  West, 40.00 feet to the Northeast corner of BLOCK 7, said plat of Mulholland Meadows; Thence Southerly along the Easterly boundary of that tract of land described in Instrument Number 1993-25666, Deed Records of Douglas County, South  $00^{\circ}32'17''$  West, 513.66 feet to a point on the South Right-of-Way boundary of Bethel Street; Thence Easterly along said South Right-of-Way boundary, North  $89^{\circ}41'01''$  East, 40.00 feet; Thence leaving said South Right-of-Way boundary, North  $00^{\circ}32'17''$  East, 40.00 feet to the Southwest corner of LOT 16, Block 2, said plat of Mulholland Meadows; Thence Northerly, along the West boundary of said Block 2, North  $00^{\circ}32'17''$  East, 473.08 feet to the Point of Beginning and there terminating.

The above described tract contains 0.47 acres (20,535 square feet), more or less.

**CECIL STREET:**

A tract of land being a portion of the CECIL STREET Right-of-Way as platted on Mulholland Meadows, Volume 6, Page 54, Plat Records of Douglas County that lies between the Westerly Right-of-Way boundary of Mulholland Drive and the Easterly Right-of-Way boundary of Interstate 5, located in the Southwest Quarter of Section 12, Township 27 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, more particularly described as follows:

Beginning at the intersection of said Easterly Right-of-Way boundary of Interstate 5 and the North boundary of Block 7, said Mulholland Meadows; Thence Easterly along said North boundary of Block 7 and the North boundaries of LOTS 9 and 8, said Block 2, Mulholland Meadows, South  $89^{\circ}29'42''$  East, 302.50 feet to said Westerly Right-of-Way boundary of said Mulholland Drive; Thence Northerly along said Westerly Right-of-Way boundary, North  $28^{\circ}44'02''$  West, 45.84 feet, more or less, to the intersection of said Westerly right-of-Way boundary with the South boundary of LOT 1, Block 4, said Mulholland Meadows; Thence leaving said Westerly Right-of-Way boundary, Westerly along

said South boundary of said LOT 1 and the South boundary of LOT 8, said Block 4, North 89°29'42" West, 278.20 feet to the aforementioned Easterly Right-of-Way boundary of said Interstate 5; Thence Southerly along said Easterly Right-of-Way boundary, South 03°14'28" West, 40.05 feet to the Point of Beginning and there terminating.

The above described tract contains 0.27 acres (11,619 square feet), more or less.

## PROPERTY OWNERSHIP AND HISTORY

The street dedications which currently comprise the subject roadways were made and are shown as follows based on the research submitted to us by our client:

“1. Except for the westerly 20-feet of that portion of Rutter Lane that was not included in following described subdivision plat; (i) the balance of Rutter Lane, (ii) all of the northerly Cecil Street located west of Mulholland Drive, and (iii) all of Bethel Street, were dedicated to the City of Roseburg by Delmar D. and Frances M. Young, John W. and Lila A. McFarland, and E.G. and Inga H. High (collectively, “Young/McFarland/High”) in connection with their platting of the original plat of Mulholland Meadows, Douglas County, Oregon, filed in the Douglas County plat records on September 18, 1946, and as shown on the subdivision survey plat dated August 1946 and recorded in Volume 6, Page 54, of the Douglas County records (the “Mulholland Plat”).

2. The westerly 20-feet of that portion of Rutter Lane that was not dedicated by Young/McFarland/High as a public street right-of-way in connection with the platting of the above described Mulholland Meadows, is nevertheless also shown on the Mulholland Plat as a roadway “dedicated to the public”; which Mulholland Plat was approved by the then County Judge, County Assessor, County Surveyor, and City of Roseburg Engineer. Moreover, that portion of Rutter Lane is also shown on the survey filed in Douglas County, Oregon in February of 1935 (Cross Reference No. 18057) filed by A.E. Rutter for the purposed of dividing a 2-acre tract of land known as “A.E. Rutter’s Land” into approximately four, one-half acre “tracts.”

To our knowledge, there have been no listings or transfers of the above described public ways within the three year period prior to the date of this appraisal.

## EXPOSURE AND MARKETING TIME

Exposure time may be defined as follows:

“The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale of market value on the effective date of the appraisal; a retrospective estimate based upon an analysis of past events assuming a competitive and open market.”

Marketing time may be defined as follows:

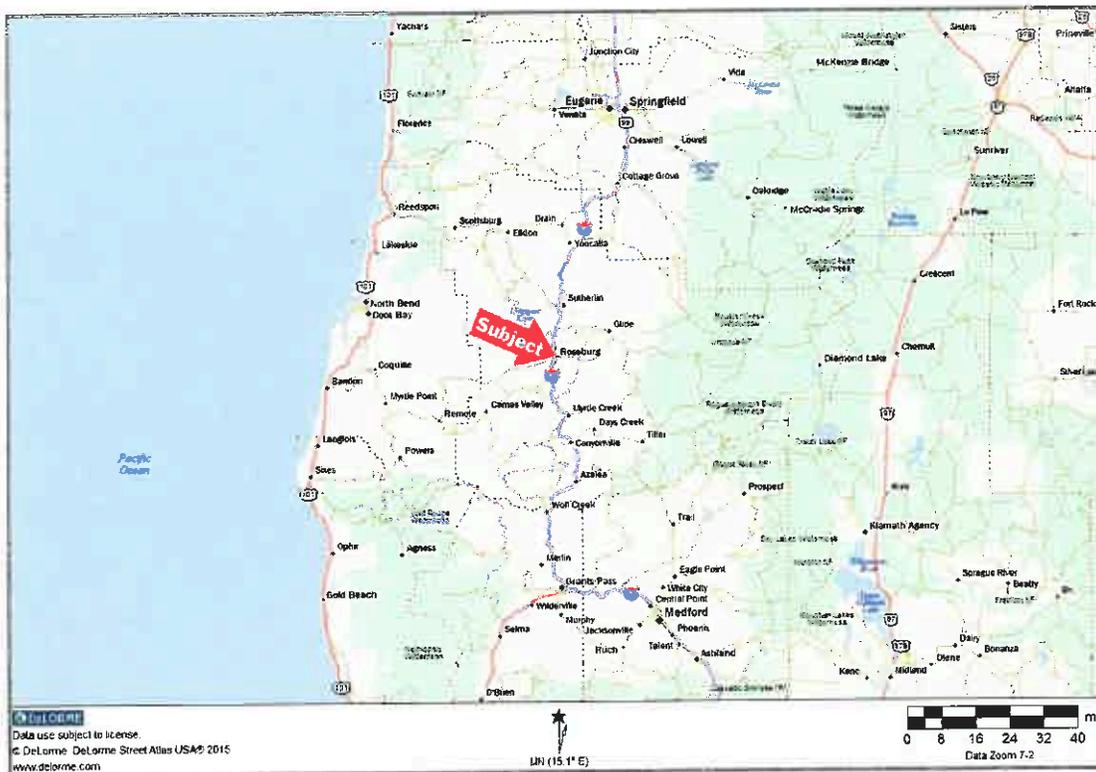
“The reasonable marketing time is an opinion of the amount of time it might take to sell a real or personal property interest in at the concluded market value level during the period immediately after the effective date of an appraisal. Marketing time differs from exposure time, which is always presumed to precede the effective date of an appraisal.”

Source: Uniform Standards of Professional Appraisal Practice (USPAP).

Since this is an appraisal of the public interest value of the subject public street right-of-ways and is not a market value appraisal of the fee simple interest in the land, no specific exposure and marketing time has been developed. Analysis of public interest value is based on the goals of social, political, and public agencies rather than typical economic principles underlying market value.

## LOCATION ANALYSIS

The subject roadways are described as Bethel Street between Rutter Lane and Mulholland Drive; Rutter Lane between its southerly terminus and the southerly margin of northerly Cecil Street; and northerly Cecil Street between the Interstate 5 right-of-way and Mulholland Drive, in Roseburg, Oregon. Following is a description of Douglas County and a discussion of demographic and economic factors as well as a description of the subject's immediate surroundings. Reference is made to the map presented below which depicts the location of the subject relative to the surrounding region.



### Roseburg and Douglas County

Roseburg is located within the central portion of Douglas County in southwestern Oregon. The city is situated along both sides of Interstate 5 approximately 125 miles north of the California border. Roseburg serves as the county seat and is the largest city in the area. Other major communities within Douglas County include Sutherlin, Reedsport, Winston, Myrtle Creek, and Canyonville. Distances from Roseburg to notable cities are as follows:

Eugene.....	72 miles north
Portland.....	180 miles north
Seattle.....	352 miles north
Medford.....	97 miles south
Sacramento.....	404 miles south
San Francisco.....	460 miles south

From a geographic standpoint, one of the most positive features of the Roseburg area is its central location along Interstate 5 within southwestern Oregon's scenic Douglas County. The community is located within a timber rich region known as the Umpqua Valley. The Pacific Coast is located only 80 miles to the west with Diamond Lake (79 miles) and Crater Lake National Park (99 miles) located to the east.

Douglas County exhibits a temperate climate. Extremes of any weather condition in this area are very rare. Low and high temperatures generally range between 34 and 48 degrees in January and 53 and 84 degrees in July. Snowfall is rare on the valley floor and summer humidity is low. Average annual rainfall is approximately 33 inches. The mild climate combined with the close proximity to ocean beaches, skiing, fishing, and other recreational opportunities, has resulted in many seasonal tourists becoming full-time residents.

### **Population**

Douglas County has generally experienced a steady increase in population from 1990 to 2014. The primary reason for population growth throughout Douglas County in the 1990s was in-migration. The popularity of the area as a retirement location, in addition to the desirable quality of life available in a more rural setting, are positive factors that continue today. Reference is made to the following table which provides a population summary for Roseburg, Douglas County, and the unincorporated areas of the county.

### Historic Population

Year	Roseburg	Unincorporated Areas	Douglas County	Oregon
2014	22,510	58,575	109,385	3,962,710
2013	22,275	58,320	108,850	3,919,020
2012	21,920	58,085	108,195	3,883,735
2011	21,690	57,980	107,795	3,857,625
2010	21,660	57,945	107,690	3,844,195
2005	20,790	54,833	102,905	3,628,700
2000	20,125	54,967	100,900	3,436,750
1990	17,069	54,838	94,700	2,842,321

Source: Population Research Center, Portland State University.

Population within Roseburg as well as other communities within the county is expected to remain relatively stable over the next few years. This is due primarily to the following:

- Over the last decade, the natural resource driven economy of has undergone significant change within the commercial fishing and wood product manufacturing sectors.
- An out migration of the younger workforce in search of higher paying jobs.
- Overall industry modernization cutbacks and downsizing have left many communities with an older workforce.

### Economy

#### Lumber and Wood Products

The lumber and wood products industry has historically provided the base for the Douglas County economy. Several non-manufacturing industries such as transportation and wholesale trade are also closely related to lumber and wood products production. Approximately 15 percent of total employment in Douglas County is related to manufacturing.

Analysts predicted a significant decline in lumber and wood products employment levels due to the restrictions of logging on Bureau of Land Management and national forest lands. Forecasts in late 1992 called for over 4,000 jobs to be lost

statewide by the end of 1994. However, a national housing boom created a demand for wood products from local manufacturers. At the same time, private landholders increased their timber harvest adding to the supply of raw logs. The increased supply provided by these trends helped local wood products manufacturers maintain their staffing levels. Actual job losses in the wood products industry statewide were much lower than expected between 1992 and 1994. Due to the dominant role played by the lumber and wood products industry in Douglas County, the better-than-expected performance within this industry has benefited the local economy. However, it is acknowledged that a further diversification of the local economy would help offset the effects of possible future declines in the potentially volatile timber market.

#### Agriculture

In addition to lumber and wood products, the agricultural industry benefits from the mild climate of the area and contributes close to \$90 million to the local economy. Major crops include berries, nuts, apples, and melons. The climate boasts an average 217-day growing season. The Douglas County area has been compared geographically and climatologically with Italy and southern France which could account for the recent growth in vineyards and vintners in the area. Douglas County is also a major supplier of sheep, cattle, and a variety of other livestock and exotic animals.

#### Manufacturing

As mentioned previously, a further diversification of the economic base in the region would benefit the larger surrounding Douglas County area. Indicative of this trend, several major employers have relocated to the area in order to take advantage of the favorable business climate and quality of life issues.

#### Healthcare

Residents of Roseburg and the entire Douglas County area have access to a number of good quality medical facilities. Comprehensive prevention, education, diagnosis, and treatment services are available through the following:

- Mercy Medical Center
- Columbia-Douglas Hospital
- Roseburg Veterans Affairs Medical Center

In addition, a wide range of specialized care is available at centers devoted to cancer care, dialysis, outpatient surgery, and other medical needs.

**Employment**

The following table details the employment figures for Douglas County by category for July 2015 with comparisons to the prior year.

**Douglas County  
Nonfarm Payroll and Employment**

	July 2015	July 2014	Change
Total NonFarm	35,380	34,760	620
Total Private	27,960	27,300	660
Mining and Logging	1,140	1,100	40
Construction	1,180	1,140	40
Manufacturing	4,540	4,380	160
Trade, Trans. & Utilities	6,740	6,580	160
Information	260	270	-10
Financial Activities	1,310	1,300	10
Professional Services	3,590	3,350	240
Educational/Health Services	4,640	4,630	10
Leisure & Hospitality	3,410	3,410	0
Other Services	1,510	1,140	10
Government	7,420	7,460	-40

Source: Oregon Employment Department, August 28, 2015.

Employment Trends

From July 2015 to July 2014, the professional services; manufacturing; and trade, transportation, and utilities sectors registered the largest increases in employment in Douglas County. The government sector recorded the largest loss in employment.

Unemployment

As of July 2015, the unemployment rate in Douglas County was 8.3 percent reflecting a decrease from the July 2014 rate of 9.2 percent. The following table summarizes civilian labor force statistics for Douglas County.

**Douglas County  
Employment/Unemployment**

	July 2015	July 2014	Change
Civilian Labor Force	43,814	44,472	-658
Employed	40,157	30,382	-225
Unemployed	3,657	4,090	-433
Unemployment Rate	8.3%	9.2%	---

Source: Oregon Employment Department, August 2015.

In an attempt to diversify the economy, efforts are being made to attract new industry to the area. The Coos-Curry-Douglas County Development Board has played an integral part in a tri-county effort. The addition of the Cow Creek Gaming Center has succeeded in attracting tourists and recreation seekers as well as adding needed employment opportunity. In addition, wholesale and retail trades have been given a boost by the addition of Ingram Books and WinCo Foods distribution centers. Additionally, Costco recently opened a 148,000 square foot store in Roseburg. The big box complex also provides a 16-pump gas station. It is expected that the region will also see continued growth in both social and health care services.

**Transportation/Linkage**

The larger surrounding Douglas County area is well served by public transportation. The Interstate 5 freeway extends in a north/south direction through the center of Roseburg, with the Pacific Ocean accessible to the west via State Highways 42 and 138. State Highway 138 also extends eastward to State Highway 97 on the east side of the Cascade Mountains and represents a major access route within the central portion of the state. Air transportation for the area is provided by the following:

- Roseburg Regional Airport along the east side of Interstate 5 which accommodates private charters and air freight.
- The Eugene Airport located approximately 75 minutes north is served by major carriers such as United, Delta, Allegiant, and Alaska/Horizon.
- The Rogue Valley International Medford Airport in Medford located 95 miles south is served by United, Delta, Allegiant, and Alaska/Horizon.

Rail service for the Douglas County area is provided by the Central Oregon and Pacific Railroad which accommodates freight service only. Passenger service is available through Amtrak in Eugene. In addition, Greyhound bus lines provide passenger bus service throughout the area.

### **Education**

Within Roseburg, School District No. 4 includes a four-year high school, two three-year middle schools, and nine elementary schools. Total enrollment is approximately 6,700 students. There are also several private schools, nursery and day care facilities, as well as a non-profit alternative school for grades seven to 12.

Umpqua Community College (UCC) is a two-year public institution located on campus which is seven miles north of Roseburg. UCC offers educational programs and adult basic instruction, technical and vocational training, liberal arts studies, and professional transfer courses. Approximately 15,000 students attend one or more classes at UCC each year.

### **Conclusions**

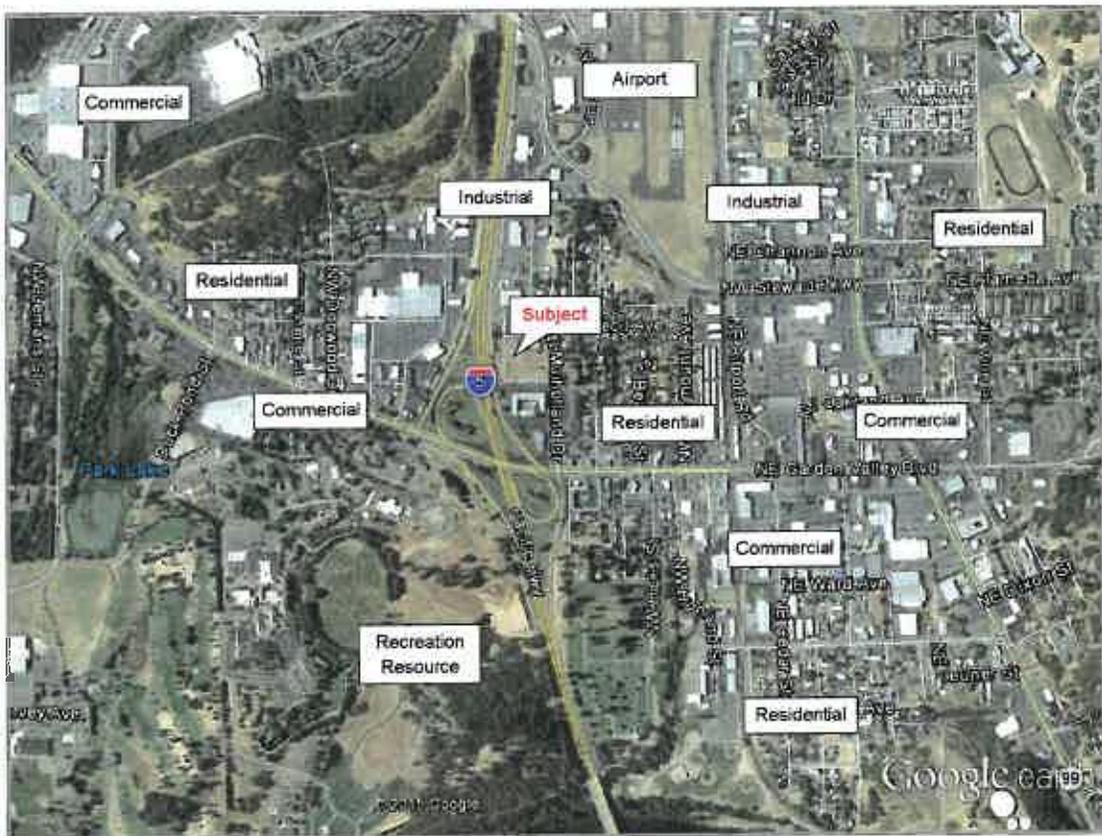
Douglas County offers a quality living environment that will continue to attract new residents to the area. The relatively low cost of living and rural atmosphere are attractive and long-term growth potential appears optimistic. With ever increasing importance being placed upon quality of life issues, Douglas County's long-term growth potential appears optimistic.

The Douglas County economy which was largely dependent upon lumber and timber-related industries has diversified with new growth sectors

emerging. Continued diversification of the local economy is expected to create new employment opportunities for the area over the long term.

### Immediate Surroundings

The subject roadways consist of Bethel Street between Rutter Lane and Mulholland Drive; Rutter Lane between its southerly terminus and the southerly margin of northerly Cecil Street; and northerly Cecil Street between the Interstate 5 right-of-way and Mulholland Drive, in Roseburg, Oregon. The following is a brief description of the area immediately surrounding the subject roadways. Reference is made to the following immediate surroundings map.



#### East

Immediately to the east of the subject roadways is Mulholland Drive, a collector street extending in a north-south direction. East of this are older residential uses followed by industrial uses, and commercial uses along NW Stephens Street

(Old Highway 99) which extends in a north-south direction. Further to the east are foothills surrounding the community of Roseburg.

West

To the west of the subject roadways and adjacent land parcels is Interstate 5 extending in a north-south direction. West of this are commercial uses along NW Garden Valley Road, which serves as a major arterial in the northwest quadrant of Roseburg. Neighborhood commercial and office or medical office uses are located along NW Stewart Parkway where the hospital is located. Residential uses are located along interior streets. Further to the west are foothills and associated rural residential uses.

South

Immediately to the south of the subject Bethel Street portion of the subject roadways is the Windmill Inn and Elmer's Restaurant, both with access from Mulholland Boulevard. NW Garden Valley Road south and west of the subject is the second of three freeway interchanges providing access to the city of Roseburg. Commercial uses extend west to NW Stewart Parkway and east to NW Stephens Street along this arterial. Further to the south across NW Garden Valley Road are multi-family residential uses, followed by recreational resource lands along the Umpqua River. In the distance to the south, NE Stephens Street connects with the downtown area of Roseburg.

North

Along the northerly boundary of the northerly Cecil Street portion of the subject roadways is the Coca-Cola bottling plant. Along the westerly side of Mulholland Drive there are light industrial and service commercial uses backing to the interstate, while along the easterly side of Mulholland Drive north of the subject are residential and light industrial uses followed by the Roseburg Regional Airport. Continuing north are Home Depot, Lowes, the community of Winchester, and the North Umpqua River.

Trend

The area surrounding the subject roadways can be described as primarily industrial/commercial with older residential uses immediately to the east. It is expected that as the economy strengthens, and demand warrants, older structures both industrial and residential in the immediate area will be razed in favor of new

construction. Also, as the housing market recovers, housing developments will most likely be developed on the foothills to the north and east.

## THE ROADWAYS

### Location

The roadways that are the subject of this appraisal are Bethel Street between Rutter Lane and Mulholland Drive; Rutter Lane between its southerly terminus and the southerly margin of northerly Cecil Street; and northerly Cecil Street between the Interstate 5 right-of-way and Mulholland Drive, in Roseburg, Douglas County, Oregon.

### Shape and Size

The subject property consists of three public street right-of-ways. The subject roadways are generally rectangular in shape with a total area, per a recent survey, of 1.09 acres or 46,699 square feet. Following is the roadway area breakdown:

#### Roadways Land Area Summary

Identification	Acres <sup>(1)</sup>	Sq. Ft.
Bethel Street	0.35	14,545
Rutter Lane	0.47	20,535
"Northerly" Cecil Street	0.27	11,619
<b>Total</b>	<b><u>1.09</u></b>	<b><u>46,699</u></b>

### Adjacent Land

As discussed previously in the Appraisal Problems and Issues section of this report, the subject roadways abut or have frontage on thirteen tax lots that are all owned by the same company, Hanna Limited Partnership, either directly or through its wholly owned subsidiaries, Hanna Hospitality LLC and Hanna Hospitality VII, LLC. In fact, with the exception of a small .06 acre "remnant" lot discussed immediately below, Hanna owns all of the real property (consisting of a total of 19 separate tax lots) located east of the Interstate 5 right-of-way, north of Garden Valley Blvd., west of Mulholland Drive, and south of the centerline of now vacated Pearl Street (which is the northerly boundary of the Coca-Cola distribution plant). The exception is Tax Lot 6400 owned by the city and identified as Tax Lot 6400 on Assessor's Map 2706W12CD. That tax lot is a small remnant parcel containing 0.06 acre that remains in the ownership of the City of Roseburg. That remnant parcel was created as a result of realignment of Mulholland Drive and the creation of "relocated" Cecil Street.

Reference is made to the plat maps depicting the subject roadways in yellow and the adjacent property under the same ownership outlined in red and an aerial map presented as follows:





### Topography

The roadways feature flat to moderately sloping topography.

### Soils

No soils report has been provided for our review for any of the adjacent parcels of land or the subject roadways.

No adverse environmental hazards or contaminants pertaining to solids, liquids, or gases were observed on adjacent properties.

### Utilities

It is reported by the client that there are some utility lines within the subject public right-of-ways; however, the exact extent and location of the utility services has not been independently verified by the appraiser. As is explained in the Appraisal Problems and Issues section presented previously in this report, we understand that the street vacation application will request that the street vacations be conditioned on a grant or reservation of public and/or private utility easements as necessary for any public or private utilities located within the street right-of-ways to be vacated. Therefore, we have disregarded

the value of any such public or private utility "easements" or right-of-ways located within the subject public street right-of-ways since such easements will effectively be preserved following the vacation of the public street right-of-ways.

## **Zoning**

The subject roadways are located within the MU (Mixed Use) zoning district as administered by the City of Roseburg.

The Mixed Use classification is intended to provide areas within which a variety of activity occurs. These areas serve community-wide and regional needs. Because of the potential for high-density uses, care is needed to ensure that uses are compatible with and do not adversely affect adjacent uses or the carrying capacity of public facilities. The proximity of other uses shall not be a reason for permitted uses to deviate from the standards established in other zones.

## **Easements and Encroachments**

To our knowledge, the subject roadways are not encroaching on adjacent property. The identification of encroachments is best determined by qualified individuals and is not within the scope of our expertise as real estate appraisers.

## **Flood Hazard**

Upon review of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community Panel No. 41019C1726F dated February 17, 2010, it was determined that the property adjacent to the subject roadways is located within Flood Zone X (unshaded), an area determined to be outside of the 0.2 percent chance of annual flooding. Reference is made to the following FEMA map for additional details.



## Summary

The public right-of-ways subject to this appraisal consist of three streets as follows: (i) Bethel Street between Rutter Lane and Mulholland Drive; (ii) Rutter Lane between its southerly terminus and the southerly margin of northerly Cecil Street; and northerly Cecil Street between the Interstate 5 right-of-way and Mulholland Drive. These dedicated public ways have approximate sizes ranging from 0.27 acre (11,619 square feet) to 0.47 acre (20,535 square feet). The roadways are adjacent to or front 13 tax lots which have the same unity of ownership. As a result of the same unity of ownership, the roadways serve no other private ownership parcel.

## HIGHEST AND BEST USE

The highest and best use may be defined as the reasonably probable and legal use of vacant land or an improved property which is physically possible, legally permissible, financially feasible, and results in the highest value. The four criteria in determining the highest and best use of the subject property include the following:

1. Physically Possible - A use for which the property is physically suitable or adaptable.
2. Legally Permissible - A use which is or will be permitted under existing or reasonably obtainable zoning regulations.
3. Financially Feasible - A use for which there is an economic, social, and/or market demand.
4. Maximally Productive - A use which is compatible with the nature and condition of surrounding land uses.

Land is generally valued as though vacant. The highest and best use of the land as though vacant is concluded after the four criteria listed are examined and various alternative uses have been considered and eliminated by the appraiser. The remaining use or in some cases uses that fulfill all four criteria is the highest and best use of the land as though vacant.

### Conclusion

As discussed in more detail in the above Property Ownership and History section of this appraisal, Bethel Street, Rutter Lane and northerly Cecil Street were created as public street dedications.

The first test in highest and best use is physically possible. Vacant land, or in this case the subject roadways or corridors, are constrained by site size, shape, frontage, availability of utilities, and other supporting services, topography, soil composition, and other site conditions and environmental factors. While the subject roadways could meet some of the physically possible tests **if they were not dedicated public right-of-ways**, as dedicated public ways, and regardless of the

zoning district, their use is limited to use as public streets. Thus, for example, the public ways cannot be developed with buildings or other improvements except typical right-of-way improvements such as a paved surfaces, sidewalks, and curbs and gutters. Moreover, even if the roadways could be developed, because they are 40 feet wide and of varying lengths, it is our opinion that due to the size and shape of the subject roadways, no practical standalone development would be acknowledged by market participants.

As a result of not being physically possible, the subject public ways would also fail the “financially feasible” test, which is a use that there is an economic and/or market demand, and maximally productive which is a use which is compatible with the nature and condition of surrounding land uses.

Under legally permissible, the subject public ways being appraised are within the MU (Mixed Use) zoning district for the City of Roseburg; but without a physically possible, financially feasible, or maximally productive use, legally permissible zoning is a moot point.

It is acknowledged that assemblage with an adjacent parcel may not be the highest and best use in and of itself. Assemblage can be considered a motivation for acquiring a property, but is not a specific use for real estate. However, in the case of the subject roadways that cannot meet three of the four tests of highest and best use, it would be our opinion that assemblage with adjacent property is the only practical use of these dedicated roadways. This opinion is further supported by the fact that these roadways are “roadways to nowhere” due to the continuity of ownership of abutting and adjacent property.

Irrespective of any value as an assemblage with adjacent parcels, however, the purpose of this appraisal is to “value the public ways proposed to be vacated”; and thus this assignment calls for an appraisal of the public right-of-ways to be vacated.

## ASSESSED VALUATION AND TAXES

As a result of Oregon Ballot Measures 47 and 50, which limit taxable values and property taxes, real estate taxes in Oregon beginning in 1998 are based on a percentage of the real market value. The ballot measures also limit future tax increases to a maximum level of three percent per year. The parent tract is located within the city of Roseburg Tax Code Area 445.

The roadways under appraisal are not taxed as they are owned by the City of Roseburg.

## LAND VALUE BY COMPARISON

As discussed previously, per the client's request that we provide an "appraisal of the public way proposed to be vacated" as called for under Roseburg Municipal Code Section 4.06.070.B, we are providing the **public interest value** in the subject right-of-ways. Although not requested to provide market value, as part of the preparation of this appraisal we did research the Roseburg market for commercial land sales information. These market sales indicators are retained in the appraiser's file and are available upon request.

## PUBLIC INTEREST VALUE

As discussed previously, we were asked to appraise the value of the public right-of-ways themselves, and in light of the considerations discussed above, that calls for an appraisal of the **public interest value** in the roadways subject to this appraisal since dedicated public right-of-ways do not have a "market value." Also presented previously in the Definitions section of this report is the definition of public interest value.

Public interest value is contrary to the theory of market value, and is typically utilized in the context of support for an acquisition of real property that might exceed market value. The analysis of public interest value tends to be driven by social, political, and public policy goals rather than typical economic principals in the valuation of real

property. Further discussion of public interest value can be found in Chapter 6 of The Appraisal of Real Estate, 14<sup>th</sup> Edition, published by The Appraisal Institute. In Chapter 6, where market value is a major focus of most real estate appraisal assignments, other types of values which are discussed in Chapter 6 of The Appraisal of Real Estate include the following:

- Fair value
- Use value
- Investment value
- Value of going concern
- Public interest value
- Assessed value
- Insurable value
- Liquidation value
- Disposition value

Since market value is the typical value sought after in real estate appraisal, it is incumbent upon the appraiser to be sure the reader of an appraisal report distinguishes the difference between market value and other values as listed above.

As part of the definition of public interest value presented previously, public interest value is, “monetary worth attributable to features that have no measurable worth in the market but may benefit the public or specific segment of the public.” In this case, the subject public ways only provide access to property owned by a single property owner or its wholly controlled subsidiaries; and they are effectively “roads to nowhere.”

As part of the definition of public interest value, there needs to be a benefit to society. It is our opinion in the case of the subject roadways that there are potential detrimental benefits to society by maintaining the roadways. Since the roadways currently provide access only to improved and vacant real property currently owned by one controlling entity, there is no practical requirement for the general public to have access to these roadways. The only benefitting party is the owner of the abutting lands for ingress and egress provided to businesses either leased or owned by the same benefitting party.

### Conclusion

In conclusion, it is our opinion that the roadways subject to this appraisal have no remaining public interest value. This opinion is supported in part by the following:

1. As a public agency, the City of Roseburg is responsible for the costs associated with maintenance of these roadways and has exposure to liability with the continued public use of these roadways. In our opinion, this is not a benefit but considered a detriment to the public.
2. The roadways serve no practical public use given the continuity of ownership of abutting properties and could be considered "roadways to nowhere" given the historical changes in serviceability of the roadways to the general public.
3. As discussed in the highest and best use section, there is no standalone development potential for the subject roadways that would provide an economic return to the land without assemblage with adjacent or abutting property.
4. Since the subject roadways are located west of Mulholland Drive and given the position of the Interstate 5 freeway to the west, precludes any probable or practical requirement for extension of any of the subject roadways for the benefit of the public.

## VALUATION

Based upon the studies and examinations made, the opinions are formed, subject to the limiting conditions and assumptions stated herein, that the **public interest value** of the subject roadways held by the City of Roseburg in the subject dedicated public ways based upon economic and market conditions as existing on September 11, 2015 are as follows:

**“As Is” Public Interest Value in the public street right-of-ways of Bethel Street between Rutter Lane and Mulholland Drive; Rutter Lane between its southerly terminus and the southerly margin of northerly Cecil Street; and northerly Cecil Street between the Interstate 5 right-of-way and Mulholland Drive:**

**ZERO DOLLARS**

**\$0.00**

## **ASSUMPTIONS AND LIMITING CONDITIONS**

This report is made expressly subject to the following assumptions and limiting conditions:

1. No responsibility is assumed by the appraiser for matters which are legal in nature.
2. No opinion of title is rendered, and the property is appraised as though free of all encumbrances and the title marketable.
3. The appraisal covers the property described only, and the legal description or other description is assumed to be correct.
4. No survey of the boundaries of the property has been made. All areas and dimensions furnished to the appraisers are assumed to be correct.
5. Information concerning market and operating data, as well as data pertaining to the property appraised, was obtained from others and/or based on observation. This information has been verified and checked, where feasible, and is used in this appraisal only if it is believed to be reasonably accurate and correct. However, such information is not guaranteed, and no liability is assumed resulting from possible inaccuracies or errors regarding such information or estimates.
6. The data contained herein comprises the pertinent data considered necessary to support the value estimates. We have not knowingly withheld any pertinent facts, but we do not guarantee that we have knowledge of all factors which might influence the value of the subject property. Due to rapid changes in the external factors, the value estimates are considered reliable only as of the effective date of the appraisal.
7. The appraisers assume there are no hidden or unapparent conditions of the property, subsoil, or structures, that would render it more or less valuable. The appraisers assume no responsibility for such conditions, or for engineering required to discover such factors. It is assumed no soil contamination exists as a result of chemical drainage or leakage in connection with any production operations on or near the property. In addition, the existence (if any) of

potentially hazardous materials, such as asbestos, used in the construction or maintenance of the improvements or disposed of on-site, has not been considered. The undersigned appraiser acknowledges they have not qualified to render an opinion with regard to the presence of toxic materials, and recommend an environmental scientist be retained to determine the exact status of the property. No environmental impact studies were requested nor performed with regard to this appraisal, and the appraiser hereby reserves the right to alter, amend, revise, or rescind any portion of the value or opinions expressed herein based on any subsequent data discovered which could significantly impact the market value of the property.

8. The distribution of total valuation estimate in this report between land and improvements (if any) applies only under the existing or reported program of utilization. The separate valuation for land and improvements (if present) must not be used in conjunction with any other appraisal and is invalid if so used.
9. The assumption has been made that all required licenses, consents, permits, or other legislative or administrative authority, local, state, federal, and/or private entity or organization have been or can be obtained or renewed for any use considered in the value estimate.
10. The property is appraised as though operated under competent and responsible ownership and management.
11. Opinions of value contained herein are estimates. There is no guarantee, written or implied, that the subject property will sell for such amounts. It assumes there is full compliance with all applicable federal, state, local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report.
12. It is assumed that all applicable zoning and use regulations and restrictions have been complied with unless nonconformity has been stated, defined, and considered in the appraisal report.
13. The appraisers are not required to give testimony or to be in attendance in court or before other legal authority by reason of this appraisal without prior agreement and arrangement between the Client and appraisers.

14. Disclosure of the contents of this appraisal report is governed by the By-Laws and Regulations of the Appraisal Institute.
15. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which he is connected, or any reference to the Appraisal Institute or to the MAI or RM designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media, prospectus for securities, or any other public means of communication without prior written consent and approval of the appraiser.
16. The appraisers assume no responsibility for any costs or consequences arising due to the need or the lack of need for flood hazard insurance. An agent for the Federal Flood Insurance Program should be contacted to determine the actual need for flood hazard insurance.
17. The liability of the appraiser's company, its owner and staff, is limited to the Client only, and to the amount of the fee actually paid for the appraisal services rendered, as liquidated damages, if any cause of action should arise. Further, there is no accountability, obligation, or liability to any third party. The appraisers are in no way to be responsible for any costs incurred to discover or correct any deficiencies of any type present in the property; physically, financially, and/or legally.
18. The Americans with Disabilities Act ("ADA") became effective January 26, 1992. The appraisers have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative impact upon the value of the property. Since the appraisers have no direct evidence relating to this issue, possible noncompliance with the requirements of the ADA in estimating the value of the property has not been considered.

## **CERTIFICATION**

The undersigned appraiser certifies that he has personally analyzed the public right-of-ways identified Bethel Street between Rutter Lane and Mulholland Drive; Rutter Lane between its southerly terminus and the southerly margin of northerly Cecil Street; and northerly Cecil Street between the Interstate 5 right-of-way and Mulholland Drive, in Roseburg, Oregon; and to the best of his knowledge and belief,

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal unbiased professional analyses, opinions, and conclusions.
3. I have no past, present, or prospective direct or indirect interest in the property that is the subject of this report and no personal interest or bias with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event. The appraisal assignment was not based on a required minimum valuation, a specific valuation, or the approval of a loan.
7. I am competent to appraise the property that is the subject of this report based on my previous experience appraising similar type properties.
8. The reported analyses, opinions, and conclusions were developed and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.

9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
10. As of the effective date of this report, Gregory S. Schuler has completed the certification requirement with respect to continuing education for certified general appraisers within the State of Oregon. As of the date of this report, Gregory S. Schuler has completed the Standards and Ethics Education Requirements for Practicing Affiliates of the Appraisal Institute.
11. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.
12. Gregory S. Schuler finds the content and conclusions of the appraisal and the report were prepared in accordance with the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Institute. Gregory S. Schuler has made a personal inspection of the subject property and an inspection of the market properties.
13. The appraiser has performed services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the prior three year period immediately preceding acceptance of this assignment. The date of the prior report was March 6, 2014.

14. David M. Matlock, Registered Appraiser Assistant No. AA02496, provided significant professional assistance in the development and reporting of this appraisal as follows:

- Define appraisal problem
- Selection and collection of data
- Subject property analysis
- Estimate highest and best use
- Estimate land/site value
- Estimate value of the property
- Reconcile value in each approach and reconcile final value estimate
- Report estimate of value

Respectfully submitted,

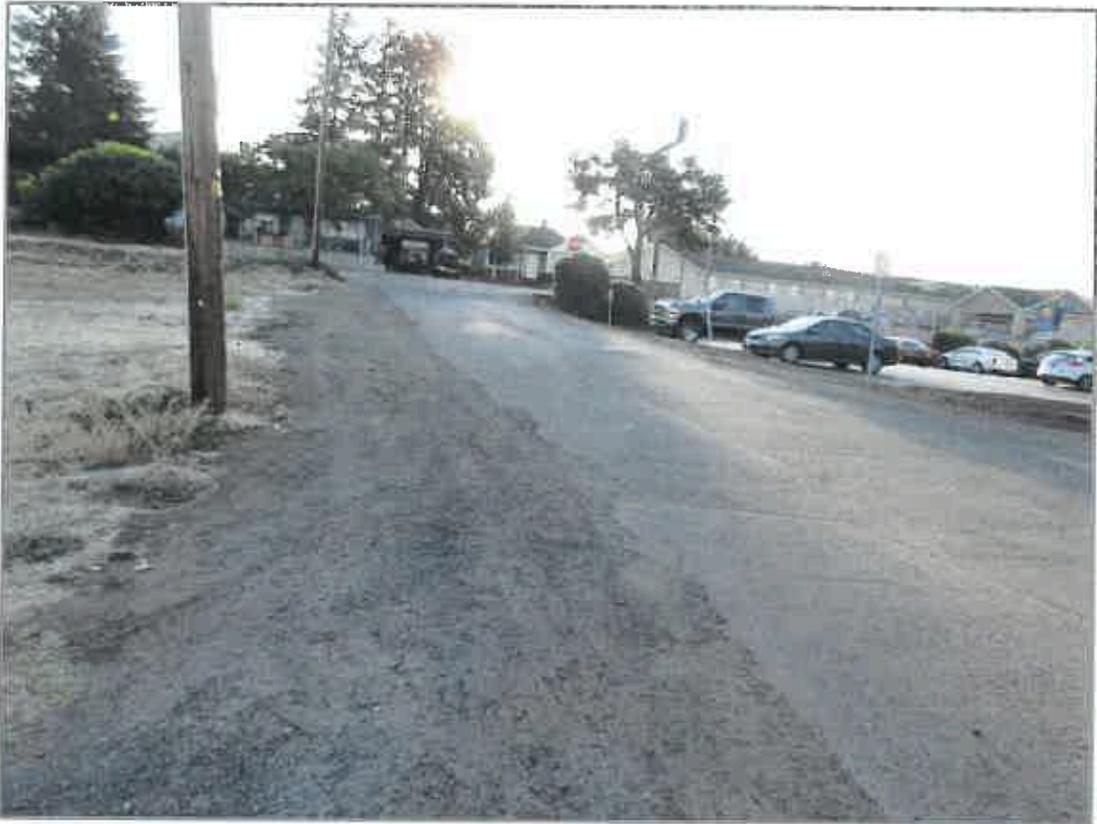
BROWN, CHUDLEIGH, SCHULER,  
MYERS, AND ASSOCIATES



GREGORY S. SCHULER  
Oregon State Certified Appraiser  
License No. C000268  
Expiration Date: May 31, 2017

***ADDENDA***

***Subject Photographs***



Easterly

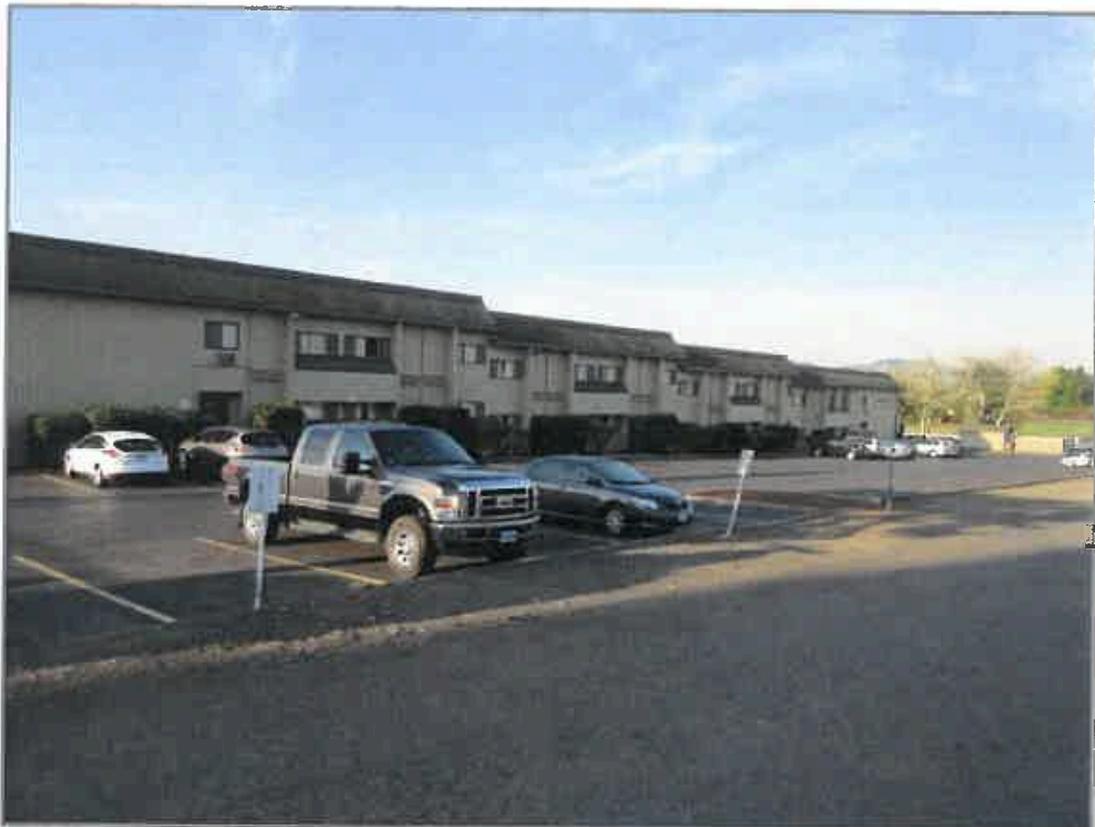
Views along Bethel Avenue

Westerly





View north across the adjacent land from Bethel Avenue



View of Windmill Inn of Roseburg (Tax Lot 4200) from Bethel Avenue

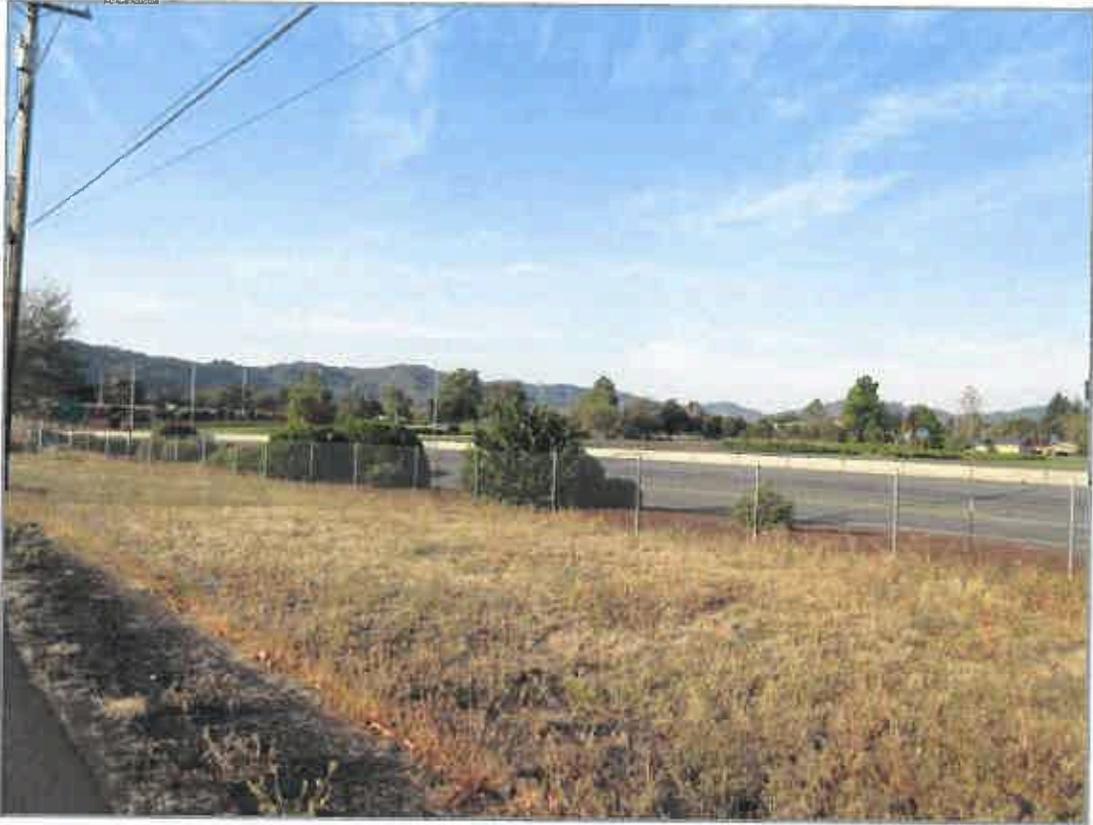


Northerly

Views along Rutter Lane

Southerly





Southwest

Views of Interstate 5 frontage (Tax Lot 7900) from Rutter Lane

Northwest





Easterly

Views along Relocated Cecil Street

Westerly





View south across the adjacent land from Relocated Cecil Street



View from Mulholland Drive of the improvements located on Tax Lot 6500  
Note: Tax Lot 6400 is in the foreground on the corner



View of the metal building located on Tax Lots 7600 and 7700  
from Relocated Cecil Street



View of the vacant structure located on Tax Lot 7500  
from Relocated Cecil Street



Westerly

Views along Cecil Street

Easterly





View of the Coca-Cola bottling facility located on Tax Lot 8000  
north of Cecil Street

# **QUALIFICATIONS GREGORY S. SCHULER**

## **EMPLOYMENT**

Principal with Brown, Chudleigh, Schuler, Myers, and Associates in Medford, Oregon. Real estate appraiser specializing in industrial and commercial properties, 1981 to present.

CEO of First Charter Companies in Jacksonville and Medford, Oregon. First Charter Companies were involved in real estate development, construction, and marketing, 2004 to October 2007.

Secretary/Treasurer of Commercial Real Estate Advisors, Inc. (CRA), Medford, Oregon. CRA was involved in commercial and retail real estate development, construction, and leasing. 1994 to 2000.

Pulver & Leever Commercial Real Estate, Medford, Oregon. Real estate marketing specializing in commercial and industrial sales and leasing, 1976 to 1980.

## **PROFESSIONAL AFFILIATIONS**

State Certified Appraiser in the following states:

California	License #AG017213
Oregon	License #C000268

Associate Member Appraisal Institute:

Appraisal Institute courses completed (partial list):

- Real Estate Appraisal Principles
- Basic Valuation Procedures
- Capitalization Theory and Techniques Courses 1, 2, and 3
- Standards of Professional Practice (1987, 1991, 2001, 2004, 2006, 2008, 2010)
- Small Hotel/Motel Valuation
- Federal Land Exchanges
- Plat & Subdivision Law
- Technical Inspection of Real Estate
- Appraisal Review – General
- General Appraiser Sales Comparison Approach
- Litigation Appraising: Specialized Topics and Applications
- Uniform Appraisal Standards for Federal Land Acquisitions (2007, 2010)

Licensed Real Estate Broker, State of Oregon. License #780401812

## **EDUCATION**

Bachelor of Science degree in Business and Marketing, Oregon State University, 1973.



**Appraiser Certification and Licensure Board**  
**State Certified General Appraiser**

*28 hours of continuing education required for renewal*

Gregory S Schuler  
Brown Chudleigh Schuler Myers and Associates  
2800 Biddle RD  
Medford, OR 97504

License No.: **C000268**

Issue Date: **June 1, 2015**

Expiration Date: **May 31, 2017**

Gae Lynne Cooper, Administrator

*etc*  
*7/16/16*

**ROSEBURG CITY COUNCIL  
AGENDA ITEM SUMMARY**



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**SHOPPING CART ORDINANCE**

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**Meeting Date: July 11, 2016**  
**Department: Administration**  
***www.cityofroseburg.org***

**Agenda Section: Ordinances**  
**Staff Contact: C. Lance Colley/Jim Burge**  
**Contact Telephone Number: 492-6866**

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**ISSUE STATEMENT AND SUMMARY**

The City Council is asked to consider adoption of two Oregon Revised Statutes regarding shopping carts.

**BACKGROUND**

**A. Council Action History.**

- On April 4, 2016, the City Council conducted a work session to discuss various issues surrounding vagrancy and criminal activities occurring throughout the City. At the conclusion of the work session, consensus was to have Staff prepare ordinances intended to address those concerns.
- On May 9, 2016, the Council considered a draft ordinance regarding shopping cart regulations. Consensus was to delay first reading of the ordinance to allow Staff time to receive input from local businesses that would be affected by those proposed regulations.

**B. Analysis.** Staff prepared an ordinance to adopt ORS 98.515 and 98.520 regarding unauthorized appropriation of shopping carts and recovery of abandoned shopping carts. ORS 98.515 prohibits the unauthorized appropriation of a shopping cart from the business premises of the person that owns the cart and provides for the salvage or reclamation of an abandoned shopping cart. ORS 98.520 includes provisions for business persons to take steps to protect possession of their shopping carts and for reclaiming carts which may have been stolen. It also outlines requirements for signage and notice to customers regarding the City's adoption of ORS 98.515 and 98.520. As you will see in the ordinance, the statute places requirements on the owner of the carts to be responsible for the carts and there are potential penalties for failing to maintain control over the carts and their use.

One month ago, Chief Burge reached out to the managers of the three major grocery store outlets in Roseburg, Safeway, Albertsons and Fred Meyer, in order to hear and address their concerns about the proposed ordinance. Follow-up phone calls were made to the managers to see if they had developed any concerns or questions that could be addressed prior to the first reading of the ordinance.

All three managers stated they were familiar with such an ordinance and process from working in stores in larger metropolitan areas of the state. All stated they would communicate with their corporate offices to find out if they have an "800" phone number

established for notification and the process for signage. The most pressing concern was having enough time to implement the requirements of the ordinance.

The Albertsons store manager Curt Leno articulated some concerns about being tasked with recovering a cart that has someone's property in it or from a residence without police assistance. He asked that if the stores are going to be held accountable for stray carts that we also hold the person who unlawfully removes the cart from store property accountable as well. He was assured that the City would hold the people who steal carts accountable with his support for prosecution.

In Tim Anderson's previous capacity at the Eugene Safeway store he was aware that they had a cart collection service but was not familiar with the nuts and bolts of the ordinance.

Fred Meyer Manager Jim Siekman stated theft of carts at the W. 11th Fred Meyer in Eugene became such a problem that the company invested in electronically locking carts. He explained that the wheels of the carts would lock up if they were moved beyond the property. He has no other pressing concerns other than being given a reasonable time to implement requirements of the ordinance.

If the ordinance is passed by the City Council, Chief Burge will work with the store managers to ensure a smooth and reasonable implementation time schedule.

**C. Financial and/or Resource Considerations.** Adoption of the ordinance will give additional options to law enforcement officers in dealing with criminal activities. We do not anticipate adding to the law enforcement budget at this time; however, conversation is underway with the Municipal Judge and Douglas County Corrections on the use of community services to offset fines for Code violations and Staff time required to clean up after certain criminal activities.

**D. Timing Issues.** n/a

#### **COUNCIL OPTIONS**

The City Council has the option to:

1. Proceed with first reading on the proposed ordinance.
2. Direct Staff to make amendment to the proposed ordinance.
3. Decline to take action on the proposed ordinance.

#### **STAFF RECOMMENDATION**

Staff recommends the City Council proceed with first reading.

#### **SUGGESTED MOTION**

No motion is necessary; only consensus to proceed with first reading of the ordinance.

#### **ATTACHMENTS**

1. Adopting ORS 98.520 re: Shopping Carts

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE ADDING CHAPTER 7.16 TO THE ROSEBURG MUNICIPAL CODE**  
**ESTABLISHING REGULATIONS REGARDING SHOPPING CARTS**

**WHEREAS**, Chapter II, Section 2.1(2) of the Roseburg City Charter provides:

The City has all powers that the constitution or laws of the United States or of this state expressly or impliedly grant or allow cities, as fully as if this Charter specifically stated each of those powers.

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

**SECTION 1.** Chapter 7.16 entitled "Shopping Carts" is hereby added to Title 7 of the Roseburg Municipal Code to read as follows:

**SHOPPING CARTS**

- 7.16.005      Short Title.**
- 7.16.010      Unauthorized Appropriation of Shopping Carts.**
- 7.16.020      Requirements for Shopping Cart Providers.**
- 7.16.030      Retrieval and Disposal of Carts, Fees.**

**7.16.005      SHORT TITLE.** RMC 7.16.005 through 7.16.030 shall be known and may be cited as the "Shopping Cart Ordinance."

**7.16.010      UNAUTHORIZED APPROPRIATION OF SHOPPING CARTS.**

**A.** The unauthorized appropriation of a shopping cart from the business premises of the person that owns the shopping cart is prohibited. Unauthorized appropriation of a shopping cart is a crime and constitutes theft under ORS 164.015. A person commits the crime of unauthorized appropriation of a shopping cart if the person without written permission of the owner of the shopping cart abandons or is in possession of a shopping cart that is the property of another more than 100 feet away from the parking area of the retail establishment or shopping cart containment area of the owner of the shopping cart.

**B.** This Section shall apply only if the shopping cart provider has complied with RMC Section 7.16.020.

**7.16.020      REQUIREMENTS FOR SHOPPING CART PROVIDERS.**

**A.** A person that supplies shopping carts for public use at the person's business shall:

1. Post signs in sufficient number to give notice to members of the public entering onto or leaving the business premises that unauthorized appropriation of a shopping cart is a crime under ORS 164.015, and provide a toll-free or local telephone number that members of the public may use to report abandoned shopping carts; and

2. Identify the person's business on each shopping cart and post a sign on the shopping cart that:
  - a. Notifies any member of the public using the shopping cart that unauthorized appropriation of a shopping cart is a crime under ORS 164.015; and
  - b. Provides a toll-free or local telephone number for use in reporting an abandoned shopping cart; and
3. Establish, maintain and make available to the public, at the person's own expense, a toll-free or local telephone line for the purpose of reporting abandoned shopping carts. If the person who provides the carts has a contractor who receives the calls concerning abandoned shopping carts, that contractor shall forward each report the contractor receives concerning an abandoned shopping cart to the owner of the shopping cart and to the City's Code Enforcement Office within one business day after the contractor receives the report; and
4. Retrieve or contract for the retrieval of abandoned shopping carts.

**7.16.030 RETRIEVAL AND DISPOSAL OF CARTS, FEES.**

- A. A person may agree with other persons to share and to pay expenses related to the toll-free telephone line described in RMC 7.16.020(A)(3). The agreement shall provide that any person designated to operate the toll-free telephone line and receive reports concerning abandoned shopping carts must forward the reports in accordance with RMC 7.16.020(A)(3).
- B. A person shall retrieve a shopping cart that the person owns within 72 hours after receiving notification that the shopping cart has been abandoned.
- C. If the City identifies, salvages or reclaims an abandoned shopping cart, it shall use the toll-free telephone line described in RMC 7.16.020(A)(3) to report the existence and location of an abandoned shopping cart to the owner of the shopping cart, if the owner is identifiable.
- D. The City may take custody of an abandoned shopping cart and impose a fine of \$50.00 on the owner of the shopping cart if the owner does not retrieve the shopping cart within 72 hours after the City makes a report under Subsection (C) of this Section or after the owner receives a report under RMC 7.16.020(A)(3).
- E. The City may release a shopping cart held in the City's custody to the owner upon payment of the \$50.00 fine.
- F. The City may take title to a shopping cart in the City's custody and dispose of the shopping cart as the City deems appropriate, if the owner does not claim the shopping cart within 30 days.

**G.** A City Code Enforcement Officer may issue citations for the commission of a violation of this Chapter. A violation proceeding under this Chapter shall be processed in accordance with ORS Chapter 153.

**SECTION 2. SEVERABILITY.** The Sections, Subsections, Paragraphs and clauses of this ordinance are severable. The invalidity of one Section, Subsection, Paragraph, or clause shall not affect the validity of the remaining Sections, Subsections, Paragraphs and clauses.

**ADOPTED BY THE ROSEBURG CITY COUNCIL ON THIS \_\_\_\_\_ DAY  
OF MAY, 2016.**

**APPROVED BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF MAY, 2016.**

\_\_\_\_\_  
**LARRY RICH, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**SHEILA R. COX, CITY RECORDER**

Jc  
7/8/16

CORRECTED

**ROSEBURG CITY COUNCIL  
AGENDA ITEM SUMMARY**



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**SMOKING POLICIES – CITY PARKING LOTS AND  
SIDEWALKS ABUTTING CITY PARKS AND PARKING LOTS**

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**Meeting Date: July 11, 2016**  
**Department: City Manager's Office**  
**[www.cityofroseburg.org](http://www.cityofroseburg.org)**

**Agenda Section: Ordinances**  
**Staff Contact: Lance Colley**  
**Contact Telephone Number: 492-6866**

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**ISSUE STATEMENT AND SUMMARY**

The Council is asked to consider an ordinance prohibiting smoking in City parking lots and on sidewalks abutting those parking lots and City parks.

**BACKGROUND**

**A. Council Action History.** On September 14, 2015, the City Council reached consensus to give further consideration to extending smoking prohibitions to City parking lots and sidewalks abutting those parking lots and City parks and changing definitions regarding smoking due to new technology inhalant delivery systems. On October 26, 2015, the City Council adopted revised the Parks Rules and Regulations to incorporate new definitions.

**B. Analysis.** Staff has been approached by the Downtown Roseburg Association, a number of business operators and downtown employees who would like to see the parks prohibition on smoking extended to City owned parking areas that are open to public parking and possibly to the adjoining sidewalks. The parking lots Staff that has identified that could be affected include the Phillips Lot on SE Stephens, the Shalimar Lot on SE Stephens, the Parking Structure and walkway, lot behind the Downtown Fitness Center at the corner of Rose and Cass, and the Flegel Center Lot off Kane and Washington. Extending the smoking prohibition to these lots and City parks and the adjoining sidewalks would provide our police officers with policy backing to discourage groups from congregating just off a park site or parking lot and engaging in what is otherwise an unlawful act on the park property itself.

An ordinance has been drafted for your consideration incorporating the prohibitions for the parking lots and sidewalks abutting those parking lots and City parks.

**C. Financial and/or Resource Considerations.** There are limited financial considerations related to this matter as enforcement is largely done on a complaint basis.

**D. Timing Issues.** There are no specific timing issues related to this matter.

**COUNCIL OPTIONS**

The City Council has the option to:

1. Proceed with first reading of the ordinance as prepared.
2. Direct Staff to prepare amendment(s) to the proposed ordinance.
3. Decline to take action.

**STAFF RECOMMENDATION**

Staff recommends the City Council adopt additional smoking prohibitions as outlined.

**SUGGESTED MOTION**

No motion is needed, only City Council consensus to proceed with first reading.

**ATTACHMENTS**

Proposed Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ROSEBURG MUNICIPAL CODE CHAPTER 7.02  
BY ADDING A NEW SECTION 7.02.170 REGARDING UNLAWFUL SMOKING**

**SECTION 1.** Roseburg Municipal Code Chapter 7.02 is amended to add a new Section 7.02.170 entitled "Unlawful Smoking" to read as follows:

**7.02.170 Unlawful Smoking**

**A.** For the purposes of this Section, the following words and phrases shall have the following meanings:

1. "Electronic Smoking Device" (ESD) means any electronic product that delivers nicotine or any other substance to the person inhaling from the device, including, but not limited to an electronic cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic Smoking Device includes any component, part or accessory of such a product, whether or not sold separately. Electronic Smoking Device does not include drugs, devices, or combination products approved for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
2. "Electronic Smoking Cartridges or Electronic Smoking Device Liquid" means the part or accessory to an Electronic Smoking Device that is heated, atomized, vaporized or through some other process, using an ESD, becomes airborne to facilitate inhalation of the product or its byproducts.
3. "Smoke" and "Smoking" mean inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, weed, plant, or other tobacco like product or substance in any manner or in any form. "Smoke" and "Smoking" also include the use of an Electronic Smoking Device which creates an aerosol, in any manner or in any form. A lighted smoking instrument includes an activated or "switched on" Electronic Smoking Device.

**B.** A person commits the offense of unlawful smoking if the person does any of the following:

1. Smokes within the boundaries of any of the following City of Roseburg-owned public parking lots or on any public sidewalk adjacent thereto:
  - a. The "Phillips" lot at 840 SE Stephens;
  - b. The old "Shalimar" lot at 734 SE Stephens;
  - c. The "Rose/Cass" lot at 727 SE Rose;
  - d. The "Flegal" lot at 1071 SE Washington;
  - e. The parking structure at 551 SE Rose.

2. Smokes on any sidewalk, street, driveway, parking area or alley adjacent to any City park except for Stewart Park Golf Course.

C. Violation of this Section shall be classified as a violation

ADOPTED BY THE CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
LARRY RICH, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA R. COX, CITY RECORDER

*LC*  
*7/5/16*

**ROSEBURG CITY COUNCIL  
AGENDA ITEM SUMMARY**



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**NON-PROFIT CONTRIBUTION POLICY**

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**Meeting Date: July 11, 2016**  
**Department: Administration**  
***www.cityofrosburg.org***

**Agenda Section: Department Items**  
**Staff Contact: Lance Colley**  
**Contact Telephone Number: 492-6866**

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**ISSUE STATEMENT AND SUMMARY**

The City Council directed Staff to schedule a discussion regarding the policy the City Council adopted to provide for contributions to non-profit organizations.

**BACKGROUND**

**A. Council Action History.**

- June 10, 2013: Upon conclusion of the 2013-2014 budget hearing, the Council directed Staff to prepare a policy regarding funding for non-profits.
- October 14, 2013: Upon a 4 to 3 vote, the City Council declined to adopt the policy as drafted by Staff.
- October 28, 2013: Staff was directed to return to Council with a revised policy.
- November 6, 2013: Council met in study session to provide further direction for revisions.
- November 18, 2013: Council adopted Resolution No. 2013-19 implementing a policy for non-profit contributions.
- June 13, 2016: Council directed Staff to schedule reconsideration of the contribution policy for a future City Council meeting.

**B. Analysis.** For a number of years the Budget Committee, City Council and Staff have struggled with the appropriate method for addressing requests from non-profit organizations for financial assistance with operational or capital outlay expenditures. In part, requests from outside agencies may be motivated by the requirement that the City conduct public hearings regarding the use of State Revenue Sharing. The City receives an apportionment from the State of Oregon for general purpose use. In order to receive those funds, the City is required to hold a public hearing to allow citizens an opportunity to provide written or oral comment on the possible uses of the funds. The City must certify its compliance with this requirement to the Oregon Department of Administrative Services not later than July 31 of the fiscal year. However, it is important to note that the statutes do not dictate how the funds must be used or that they be diverted to outside agencies.

In 2013, Council adopted Resolution No. 2013-19 (attached) which:

- Prohibits the City from considering contributions to non-profit organizations when expenditures for General Fund basic services exceed revenues and require a reduction of City staff;
- Provides a process for non-profit organizations to apply for funding assistance, on an equal basis, in the event revenues exceed expenses.

- Requires applicants to provide an independent financial review or audit.
- Allows a super majority of Council to override the policy.
- Limits contributions to 10% of the anticipated Revenue Sharing receipts with no one agency receiving more than 50% of that 10% allocation.

At the meeting of June 13, 2016, several Councilors expressed concern about providing funding to outside agencies when the City needs resources to provide its basic services. Staff would add that should the Library Service District be approved, revenue resources would be further impacted.

**D. Timing Issues.** Should the City Council choose to rescind the contribution policy, this should be done prior to preparations for the 2017-18 budget (January 2017).

### **COUNCIL OPTIONS**

Council has the option to:

1. Retain Resolution No. 2013-19 as adopted.
2. Direct Staff to make amendments to the contribution policy.
3. Adopt Resolution No. 2016-\_\_\_\_, rescinding Resolution No. 2013-19.

### **STAFF RECOMMENDATION**

Staff supports utilizing State Revenue Sharing funds for basic City services.

### **SUGGESTED MOTION**

"I move to adopt Resolution No. 2016-\_\_\_\_ rescinding Resolution No. 2013-19 establishing contributions to non-profit organizations.

### **ATTACHMENTS**

Adopted Resolution No. 2013-19 - Contribution Policy

Proposed Resolution No. 2016-\_\_\_\_ - Repeal of Resolution No. 2013-19

**RESOLUTION NO. 2013-19**

**A RESOLUTION OF THE CITY OF ROSEBURG, OREGON DEFINING CITY  
POLICY FOR CONTRIBUTIONS TO NON-PROFIT ORGANIZATIONS**

**WHEREAS**, the economic recession has resulted in financial limitations for both public and private interests; and

**WHEREAS**, such financial limitations have resulted in non-profit organizations requesting funding assistance from the City of Roseburg; and

**WHEREAS**, the City of Roseburg is currently working toward resolution of a goal regarding sustainability of City services; and

**WHEREAS**, the City of Roseburg needs to prioritize the use of its limited funding to ensure that basic City services are provided;

**NOW, THEREFORE, BE IT RESOLVED** by the Roseburg City Council that:

1. The City of Roseburg shall fulfill all current financial contractual obligations to outside non-profit organizations.
2. When General Fund budgeted expenditures for basic services exceed budgeted revenues in the General Fund and require a reduction in City staffing, contributions to non-profit organizations for operational purposes shall not be considered.
3. In the event the City's budgeted revenues exceed General Fund budgeted expenses, non-profit organizations may formally apply for financial assistance from the City for operational or capital expenditures pursuant to the process outlined in the attached Exhibit A.
4. The City Council has the sole authority to approve, deny or modify any funding requests received under Section 3 above.

**BE IT FURTHER RESOLVED** that the City Council may override any or all provisions of this policy by the affirmative vote of five Councilors.

**BE IT FURTHER RESOLVED** that this Resolution shall become effective immediately upon its adoption by the City Council.

**APPROVED BY THE CITY COUNCIL OF ROSEBURG, OREGON, AT ITS REGULAR  
MEETING ON THE 18<sup>TH</sup> DAY OF NOVEMBER 2013.**



Debi Davidson  
Acting City Recorder

**RESOLUTION NO. 2013-19  
EXHIBIT "A"**

**GUIDELINES**

Should budgetary projections suggest General Fund expenditures for the ensuing fiscal year shall not exceed General Fund revenues, on April 1<sup>st</sup> City Staff shall publish notice via the news media on and the City's website indicating the potential availability of funding.

An eligible organization is defined as a legally recognized non-profit organization whose proposed programs directly benefit the City of Roseburg and its residents. Profit making ventures are deemed ineligible and will not be considered for funding. Political action committees or organizations with proposals of a clearly political nature are also ineligible. Limited special interest groups or organizations with restricted membership may too be deemed ineligible. Any organization or proposals that violate Federal, State or local laws or regulations are not eligible.

Completed applications, with all required attachments, must be submitted to the City Manager by 5:00 p.m. on April 15th.

Applications will be considered by a subcommittee of the Budget Committee during the last two weeks of April with recommendations forwarded to the full Budget Committee during the May budget hearings. Funds awarded will be subsequent to July 1.

Funding provided to non-profit organizations shall not exceed 10% of the anticipated State Revenue Sharing funds. Additionally, no single organization shall receive more than 50% of that 10% allocation.

**CRITERIA**

1. Does the proposed service promote the City of Roseburg's goals and responsibility to provide basic services to its citizens?
2. Is the applicant a legal non-profit or nongovernmental organization with whom the City of Roseburg may contract for services?
3. Has the applicant completed the required application form and submitted requested information to the City by established deadlines?
4. Does the applicant have significant prior experience providing the proposed services?
5. Has the applicant demonstrated a capacity to immediately implement and sustain the proposed service?
6. Does the applicant's proposal present a cost-effective plan for the delivery of the desired services? Measures might include cost/unit of service, cost/benefit ratios, numbers of persons to be positively (directly or indirectly) affected, etc.

7. If the applicant has been a past recipient of City funding was their performance satisfactory? When was the last date funding for the applicant was approved?
8. How does the financial proposal leverage the requested City funds with other resources?
9. What efforts have been expended to acquire alternate sources of funding?
10. Do you have a current audit report or review for your most recent fiscal period?

**APPLICATION FOR NON-PROFIT ORGANIZATION GRANT**  
**For Fiscal Year \_\_\_\_\_ (begins July 1)**

Organization Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact person and title \_\_\_\_\_

Telephone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Federal Tax Identification Number: \_\_\_\_\_

Amount of Funding Request: \_\_\_\_\_

\*\*\*\*\*

***Responses may be provided on a separate sheet, but must be responded to in the order below.***

1. Description and purpose of organization. Attach bylaws and current list of board members and officers.
2. Describe the program(s) or work proposed for funding. Be specific. Attach additional information/documents as needed.
3. Who and how many persons will benefit from the City's funding? Include demographic information and numbers proposed to receive benefits. (Note: Preference will be given to applicants who can provide specific details so that the Council/Budget Committee can determine if program objectives were met.)
4. What is the applicant's prior experience and expertise in performing the proposed program or work? Highlight any previous work for the City of Roseburg.
5. What makes this organization the most or uniquely qualified to receive City funding for this purpose?
6. How does this proposal address the Roseburg City Council's goals and responsibility to provide basic City services?
7. How does this proposal leverage the requested City funds with other resources? Identify the source(s) and amount(s) of other funding to be used in conjunction with City funds.

8. Are there other facts or considerations the City should use to evaluate the proposal?
9. Attach a budget that shows how the City's money will be spent. The budget shall include such information as the cost of materials, labor, overhead, administration, transportation and contract services, plus any additional expenses that are relevant. Be specific.
10. Attach most current financial statement and independent financial review or audit report.
11. Attach five most recent federal Form 990s.

\*\*\*\*\*

*By signing this application below, the organization applying for this grant hereby agrees that:*

- *the organization will be required to execute a standard City services contract;*
- *the organization will provide certification naming the City as an additional insured for commercial and liability insurance in the minimum amounts required by Oregon Tort Law;*
- *the organization will provide the City of Roseburg, its agents, officers, employees and auditors access to all organization documents and records for five years following the grant of any City funds.*
- *if funds are granted, City of Roseburg, its agents, officers and employees will, upon 24 hours' notice, be entitled to have access to and inspect any organization offices, locations or facilities;*
- *the organization shall provide a complete financial report at the conclusion of the service contract.*

Name and Title: \_\_\_\_\_

Date: \_\_\_\_\_

**RESOLUTION NO. 2016-\_\_\_**

**A RESOLUTION RESCINDING RESOLUTION NO. 2013-19 DEFINING  
CITY POLICY FOR CONTRIBUTIONS TO NON-PROFIT ORGANIZATIONS**

**WHEREAS**, on November 18, 2013, the Roseburg City Council adopted Resolution No. 2013-19 defining a policy for contributions to non-profit organizations through the use of Revenue Sharing funds; and

**WHEREAS**, it has been determined that it is in the City's best interests to retain Revenue Sharing funds for City General Fund operations;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Roseburg, Oregon, that Resolution No. 2013-19 is hereby rescinded.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROSEBURG, OREGON, AT ITS  
REGULAR MEETING ON THIS 27<sup>TH</sup> DAY OF JUNE 2016.**

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Sheila R. Cox  
City Recorder

# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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## Electronic Commerce Zone Designation

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**Meeting Date:** July 11, 2016  
**Department:** Community Development  
**[www.cityofroseburg.org](http://www.cityofroseburg.org)**

**Agenda Section:** Resolution  
**Staff Contact:** Brian Davis *B.D.*  
**Contact Telephone Number:** 541-492-6750

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### ISSUE STATEMENT AND SUMMARY

Sponsors of the Roberts Creek Enterprise Zone (RCEZ), which include the City of Roseburg, the City of Winston, and Douglas County, are proposing an Electronic Commerce Zone designation with the RCEZ. This step was already taken by the Council in April, but because of unprecedented competitiveness, the administering agency (Business Oregon) has asked applicants to reapply after July 1.

### BACKGROUND

#### A. Council Action History.

April 2016: The Council approved the reauthorization of the RCEZ and E-Commerce Zone designation.

#### B. Analysis.

Designating an e-commerce zone in the RCEZ is an additional tool for the tech segment of economic development. Businesses that qualify are those engaged in internet transactions like taking orders, closing sales, making purchases, or providing customer service -- such as First Call Resolution, which intends to apply for e-commerce zone benefits if approved. Qualifying businesses may receive state income tax credit or local property tax abatement.

Additional information about e-commerce zones can be found here:

<http://www.oregon4biz.com/Oregon-Business/Tax-Incentives/Enterprise-Zones/Electronic-Commerce/>

#### C. Financial and/or Resource Considerations.

There are no significant financial or resource considerations to the City.

#### D. Timing Issues.

CCD sent an email shortly after midnight on July 1 as requested by Business Oregon to indicate the RCEZ sponsors' interest in an E-Commerce Zone. The Douglas County Board of Commissioners adopted a resolution later that morning to have one of the sponsor's resolutions adopted on July 1. The City of Roseburg and City of Winston are adopting resolutions at their earliest scheduled meeting.

## **COUNCIL OPTIONS**

1. Adopt Resolution No. 2016-\_\_ approving the E-Commerce Zone designation as presented
2. Do not adopt the resolution
3. Delay action to allow additional information and/or discussion

## **STAFF RECOMMENDATION**

The proposal was presented to the Economic Development Commission at their April 5 meeting. They recommended approval, as does Staff.

## **SUGGESTED MOTIONS**

*"I move to adopt Resolution No. 2016-\_\_ designating an Electronic Commerce Zone to the Roberts Creek Enterprise Zone."*

## **ATTACHMENTS**

1. Resolution No. 2016-\_\_, Designation an Electronic Commerce Zone to the Roberts Creek Enterprise Zone

**RESOLUTION NO. 2016-\_\_\_**

**A RESOLUTION REQUESTING THAT THE ROBERTS CREEK ENTERPRISE ZONE  
BE DESIGNATED FOR ELECTRONIC COMMERCE**

**WHEREAS**, Douglas County, City of Roseburg, and City of Winston are Zone Sponsors of the Roberts Creek Enterprise Zone previously authorized and approved by the State of Oregon; and

**WHEREAS**, the Roberts Creek Enterprise Zone is one of the most successful economic tools in this area and has contributed to the establishment and expansion of diverse businesses and the creation of family wage jobs; and

**WHEREAS**, this area in central Douglas County has established itself as a community that can support businesses engaged in electronic commerce, particularly around the Roseburg area; and

**WHEREAS**, the officials of the City of Roseburg find that such a designation will provide additional incentives for qualified business firms to engage in electronic commerce within the boundaries of the Roberts Creek Enterprise Zone;

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

**Section 1.** The City of Roseburg requests the State of Oregon Business Development Department to designate the Roberts Creek Enterprise Zone as an Electronic Commerce Zone.

**Section 2.** The City of Roseburg authorizes the Enterprise Zone Manager for the Roberts Creek Enterprise Zone to submit this resolution, together with similar resolutions from the Douglas County Board of Commissioners and City of Winston City Council as part of the application for the Electronic Commerce designation for the Roberts Creek Enterprise Zone.

**APPROVED BY THE ROSEBURG CITY COUNCIL ON JULY 11, 2016.**

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**SHEILA R. COX, CITY RECORDER**

*Je*  
*7/15/16*



## ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

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### Contract Ratification – Roseburg Police Employees Association

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Meeting Date: July 11, 2016  
Department: City Manager  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

Agenda Section: Department Items  
Staff Contact: John VanWinkle/Jim Burge  
Contact Telephone Number: 492-6866

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#### ISSUE STATEMENT AND SUMMARY

Negotiations between the City and the Roseburg Police Employees Association (RPEA) opened on March 10, 2016 in advance of the June 30, 2016 Contract expiration date. A number of subsequent bargaining sessions occurred between April 1, 2016 and June 9, 2016. After additional discussion, the parties were able to resolve the terms of a successor collective bargaining agreement.

#### BACKGROUND

##### A. Council Action History.

The City Council grants authorization to the City bargaining team for matters of compensation. The bargaining agreements between the City and employee representatives are enforceable contracts and in the scope of the Council's financial authorization due to their cost. After the completion of comparability studies and initial analysis, the issue was brought to Council in executive session on April 11, 2016. At that meeting, Council outlined the authority for bargaining parameters for the City team.

##### B. Analysis.

To help address the costs of health care coverage, the RPEA has agreed to incremental increases to employee medical insurance contributions for each year of the contract. Across the board wage increases have been included for each year of the contract, and a new salary range was instituted for the Police Administrative Technician position.

Additional agreements were made regarding callback for court during scheduled vacation and simplifying how Officers on specialty teams or assignments are compensated for overtime. Language was added to ensure compliance with the new Oregon sick leave law and to allow for reopening the agreement if the City were to become subject to the Cadillac Tax provision of the Affordable Care Act.

The tentative three-year agreement reached by the parties was ratified by Union membership at their last meeting.

**C. Financial and/or Resource Considerations.**

The tentative agreement is for a three year contract beginning July 1, 2016. The compensation package includes:

2016- 2017

- 2.0% wage increase across the board, effective July 1, 2016
- Addition of new salary range for Police Administrative Technician
- \$10/month increase to employee health insurance contribution, all tiers

2017- 2018

- 2.0% wage increase across the board, effective July 1, 2017
- \$10/month increase to employee health insurance contribution, all tiers

2018- 2019

- 2.0% wage increase across the board, effective July 1, 2018
- \$10/month increase to employee health insurance contribution, all tiers

**D. Timing Issues.**

The bargaining unit has ratified the tentative agreement. Council review and action is now appropriate.

**COUNCIL OPTIONS**

1. Council may approve the tentative agreement as presented.
2. Council may vote against approval of the tentative agreement with the RPEA.
3. Council may request specific changes in the tentative agreement with the RPEA.

**STAFF RECOMMENDATION**

Staff respectfully recommends Council approval of the tentative agreement as presented.

**SUGGESTED MOTION**

I MOVE TO APPROVE THE TENTATIVE THREE-YEAR CONTRACT AGREEMENT BETWEEN THE CITY OF ROSEBURG AND THE ROSEBURG POLICE EMPLOYEES ASSOCIATION.

# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

*etc*  
*7/6/16*



## Transportation Funding – Local Gas Tax Discussion

Meeting Date: June 11, 2016

Department: Public Works

[www.cityofroseburg.org](http://www.cityofroseburg.org)

Agenda Section: Department Items

Staff Contact: Nikki Messenger

Contact Telephone Number: 541-492-6730

### ISSUE STATEMENT AND SUMMARY

The issue for Council is whether to consider a local gas tax as a potential mechanism for funding transportation needs and if so, how to move forward.

### BACKGROUND

#### A. Council Action History.

- On September 8, 2009 and October 26, 2009, Council discussed franchise fees and dedicated transportation funding.
- On February 28, 2011, Council adopted Resolution No. 2011-4 dedicating fifteen percent of franchise fees to the Transportation Fund for pavement maintenance.
- On March 14, 2016, Council adopted the current Five Year Capital Improvement Plan (CIP).
- On April 11, 2016, Council accepted the Five Year Pavement Maintenance Plan and directed staff to investigate and report on funding options to provide resources required to maintain the current Pavement Condition Index.
- On May 9, 2016, Council held a special meeting to discuss transportation funding options and gave consensus for staff to bring back additional information on a gas tax.

**B. Analysis.** The Five Year Pavement Maintenance Plan outlined the effects of various funding levels within the pavement management program. Council provided direction that staff should investigate funding at a level that will keep the current Pavement Condition Index (PCI) level at 72 on a scale of 100. This requires dedicated funding of \$1.44 million annually in today's dollars, which is a significant increase over the current funding level of \$800,000 annually. At this level, the percentage of streets in good condition, with a PCI greater than 70, will increase from 67% to 81%. It will also increase the percentage of streets in very poor condition from 2% to 6% and increase deferred maintenance by \$1.1 million to \$8.6 million.

In addition to the \$640,000 funding shortfall for pavement maintenance, there is a shortfall in funding identified in the Capital Improvement Plan (CIP). The adopted CIP is based on identifying an additional \$500,000 annually without immediately increasing the pavement maintenance budget. Combining these deficits indicates a funding shortfall of at least \$1 million annually. This figure does not come close to funding the projects identified in the Transportation System Plan (TSP) as high priority. It does, however, begin to fund the limited number of projects in the adopted CIP.

The League of Oregon Cities website indicates that 24 cities in Oregon currently have a local gas tax ranging from one to five cents per gallon. The latest cities to pass a local gas tax are Portland, Phoenix and Brookings. Legislation passed in 2009 requires that any local gas tax be referred to the voters.

City	Passage Date	Tax Rate (cents/gal.)
Astoria	2007	3 cents
Brookings	2015	4 cents
Canby	2008	3 cents
Coburg	2007	3 cents
Coquille	2007	3 cents
Cornelius	2009	2 cents
Cottage Grove	2003	3 cents
Dundee	2003	2 cents
Eugene	2003	5 cents
Hood River	2009	3 cents
Milwaukie	2007	2 cents
Newport	2009	1 cent (Nov.-May) 3 cents (June-Oct.)
Oakridge	2004	3 cents
Phoenix	2015	2 cents
Portland	2016	10 cents
Sandy	2002	1 cent
Sisters	2009	3 cents
Springfield	2003	3 cents
The Dalles	1980	3 cents
Tigard	2006	3 cents
Troutdale	2015	3 cents
Tillamook	1982	1.5 cents
Veneta	2004	3 cents
Warrenton	2007	3 cents
Woodburn	1989	1 cent

Staff has done some research on what sampled communities raise per cent of gas tax.

### Gas Tax Impact on Sampled Communities

Community	# of Stations	Current Tax	Gallons Sold	Revenue Generated	Gallons Per Station	Revenue Per Station		
						0.01	0.02	0.03
Canby	5	0.03	8,300,000	249,000	1,660,000	16,600	33,200	49,800
Cottage Grove	6	0.03	11,459,967	343,799	1,909,995	19,100	38,200	57,300
Hood River	Unknown	0.03	7,487,230	224,617				
Milwaukie	7	0.02	10,975,950	219,519	1,567,993	15,680	31,360	47,040
Springfield	13	0.03	34,842,094	1,045,263	2,680,161	26,802	53,603	80,405
The Dalles	15	0.03	14,748,928	442,468	983,262	9,833	19,665	29,498
Tigard	14	0.03	23,333,333	700,000	1,666,667	16,667	33,333	50,000
Woodburn	6	0.01	10,653,700	106,537	1,775,617	17,756	35,512	53,269
		<b>Average:</b>	15,225,150		1,749,099	17,491	34,982	52,473

By extrapolating this data and utilizing 1,749,099 gallons per station produces the following revenue projections for Roseburg.

Projected Revenue	Gallons Sold	Gallons Per Station	Projected Revenues		
			0.01	0.02	0.03
Roseburg (17 Stations)	29,734,684	1,749,099	297,347	594,694	892,041

Staff used online data to survey gas prices at stations within Roseburg and surrounding areas in order to gauge whether a gas tax would drive Roseburg prices beyond those of outside stations. On average, outside stations are six cents a gallon higher than Roseburg stations. Even after rejecting the high priced outliers, gas prices within the City vary up to 23 cents per gallon. Outside the City, that variance is 25 cents per gallon as shown below.

Roseburg Area Gas Prices - Regular Gas				
Source: Oregon GasBuddy (www.oregongasprices.com)				
6/17/2016				
Roseburg		Outside Roseburg		
Station	\$/Gallon Comments	Station	\$/Gallon	Comments
Costco	2.29	Mini Mart Gas (Garden Valley)	2.49	
ARCO (Stephens)	2.29 (Cash)	Shell (Green)	2.56	
ARCO (Diamond Lake)	2.33 (Cash)	7-Feathers (Canyonville)	2.34	
Fred Meyer	2.35	Pilot (Rice Hill)	2.39	
Safeway	2.35 (Cash)	ARCO (Oakland)	2.39	
Valero	2.39 (Cash)	Penny Pincher (Canyonville)	2.39	
76 (Stephens)	2.39 (Cash)	Penny Pincher (Myrtle Creek)	2.39	
Mobil	2.41	ARCO (Canyonville)	2.43	(Cash)
76 (Harvard)	2.43	76 (Sutherlin)	2.44	(Cash)
Texaco (Harvard)	2.43 (Cash)	Mobile (Sutherlin)	2.47	(Cash)
Shell (Harvard)	2.43	Cheveron (Sutherlin)	2.49	
Chevron (Harvard)	2.43 (Cash)	Cheveron (Myrtle Creek)	2.49	
Shell (Stephens)	2.49	Shell (Sutherlin)	2.49	(Cash)
Chevron (Diamond Lake)	2.49	Shell (Sutherlin)	2.56	
OK's Auto Supply	2.52	Shell (Canyonville)	2.59	
Texaco (Stephens)	2.66 (Reject for analysis as extreme outlier)	<b>Average:</b>	<b>2.46</b>	
Shell (Garden Valley)	3.31 (Reject for analysis as extreme outlier)	<b>High:</b>	<b>2.59</b>	
<b>Average:</b>	<b>2.40</b>	<b>Low:</b>	<b>2.34</b>	
<b>High:</b>	<b>2.52</b>	<b>Variance (High - Low):</b>	<b>0.25</b>	
<b>Low:</b>	<b>2.29</b>			
<b>Variance (High - Low):</b>	<b>0.23</b>			

C. **Financial and/or Resource Considerations.** The following identifies current Transportation funding revenue sources over the past three years –

	FY 14-15	FY 15-16 Budget	FY 16-17 Budget
Franchise Fees	\$ 414,287	\$ 436,970	\$ 446,697
STP Funds	\$	\$	\$
Gas Tax	\$1,281,603	\$1,297,926	\$1,280,144
TSDC	\$ 169,294	\$ 53,000	\$ 130,000
Interest	\$ 15,386	\$ 12,000	\$ 12,000
<b>Total Revenue</b>	<b>\$1,880,570</b>	<b>\$1,799,896</b>	<b>\$1,868,841</b>

Expenses in the Transportation Fund include Materials & Services (M&S) and Capital Projects. These primarily consist of transfers to General Fund to pay for staffing and the Pavement Management projects. M&S expenses for the past three years are as follows:

	<u>FY 14-15</u>	<u>FY 15-16 Budget</u>	<u>FY16-17 Budget</u>
City Services – MGT	\$ 63,499	\$ 45,966	\$ 48,472
City Services – PW	\$ 871,900	\$ 808,666	\$ 817,355
Audit Fees	\$ 2,806	\$ 2,850	\$ 3,000
Road Maint (PMP)	\$ 107,057	\$ 800,000	\$ 800,000
<i>Total M&amp;S Expenses</i>	<i>\$1,045,262</i>	<i>\$1,657,482</i>	<i>\$1,668,827</i>

As outlined above, the difference between revenues and M&S expenses is very small, especially when \$800,000 is programmed and/or spent on pavement management. The above information does not include Capital Projects. The past few years, there has been very little capital spending, as the majority of the fund balance is required to complete the South Stewart Parkway Project. Under the current funding scenario, there is not enough revenue to support maintaining the current Pavement Condition Index of 72.

**D. Timing Issues.** If Council would like to consider a gas tax, it must be referred to the voters. Staff would propose that this occur during a normal election cycle. In order to be considered for the May 16, 2017 primary, Council would need to adopt a resolution referring the measure in January or early February so the City Attorney could file the ballot title by February 24th. This would leave enough time to go through the ballot title challenge process and file the Notice of City Measure Election with County Elections by March 16, 2017.

If Council chose to refer a measure for the November 7, 2017 general election, Council would need to adopt the resolution in July or early August of 2017, the ballot title would have to be filed by August 18; followed by the ballot title challenge process; in order to file the Notice of City Measure Election to the County by September 7<sup>th</sup>.

### **COUNCIL OPTIONS**

Council has the following options:

1. Direct staff to move forward with hiring a consultant to survey City residents about their level of support for a gas tax; or
2. Direct staff to move forward with preparing a resolution to put a gas tax (at some level) to the voters; or
3. Direct staff to bring back additional information.

### **STAFF RECOMMENDATION**

The last time the City put forth a bond measure in order to provide funding to improve parks within the City, a consultant was hired to survey residents about their support for the measure. The consultant indicated that they believed the measure would fail by a 55-45 margin. The consultant was correct within about a percentage point of what the election results were. The FY 16-17 budget includes \$25,000 to explore transportation funding options. Therefore, staff recommends hiring a consultant to survey City residents regarding their support for a gas tax or other funding measure.

### **SUGGESTED MOTION**

***I move to direct staff to outline a process for community input and hire a consultant to survey City residents regarding their support for a local gas tax or other transportation funding measures.***

# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

INFORMATIONAL A  
7/11/2016



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## ACTIVITY REPORT

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**Meeting Date:** July 11, 2016  
**Department:** City Manager  
**[www.cityofroseburg.org](http://www.cityofroseburg.org)**

**Agenda Section:** City Manager Reports  
**Staff Contact:** C. Lance Colley  
**Contact Telephone Number:** 492-6866

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### ISSUE STATEMENT AND SUMMARY

At each meeting I will provide 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 July 11, 2016, meeting, I provide the following items:

- Department Head Meeting Agendas
- Tentative Future Council Agenda Items
- City Manager Weekly Messages



Agenda  
Department Heads Meeting  
June 14, 2016 – 9:00 a.m.

1. Review June 13, 2016 Meetings
2. Review Tentative June 27 Council meeting
3. Tentative Future Agenda
4. Document Signing/Grants
5. Please note the City Connection deadline below!!!!
6. Public Information Requests:
  - A. List of Employees, Salaries, Etc.
  - B. Active Contracts
7. Department Items

**CITY CONNECTION SCHEDULE**

Submission Deadline – 8:00 a.m. **June 20<sup>th</sup>**

Publication – June 27<sup>th</sup>

Suggested Articles:

Recreational Marijuana	Library District
Downtown issues	Sprayground/Playground
Resolutions	Ordinances
4 <sup>th</sup> of July Flyer	MOTHS flyer
K9 Fun Run Flyer	
Airport & Community Highlights ?	100 years ago
Recycling topic	Umpqua River Run flyer
PW Projects/Paving/etc.	Parks & Rec programs
Fire safety topic	Police safety topic
New welcome videos on website	Speak up Roseburg (anything new)
Updates re: downtown project and Hwy 138	Mayor/Council Elections
Willis House Grant?	Mayor's message
City Manager's Budget message	Non Profit Funding Awards



Agenda  
Department Heads Meeting  
June 20, 2016 – 20:00 a.m.

1. Review Tentative June 27 Council meeting
2. Tentative Future Agenda
3. Document Signing/Grants
4. City Connection Deadline Today
5. Telephone Tree
6. Department Items

#### CITY CONNECTION SCHEDULE

Submission Deadline – 8:00 a.m. June 20<sup>th</sup>

Publication – June 27<sup>th</sup>

#### Suggested Articles:

Recreational Marijuana  
Downtown issues  
Resolutions  
4<sup>th</sup> of July Flyer  
K9 Fun Run Flyer  
Airport & Community Highlights ?  
Recycling topic  
PW Projects/Paving/etc.  
Fire safety topic  
New welcome videos on website  
Updates re: downtown project and Hwy 138  
Willis House Grant?  
City Manager's Budget message

Library District  
Sprayground/Playground  
Ordinances  
MOTHS flyer  
~~100 years ago~~  
~~Umpqua River Run flyer~~  
~~Parks & Rec programs~~  
Police safety topic  
Speak up Roseburg (anything new)  
Mayor/Council Elections  
Mayor's message  
Non Profit Funding Awards



Agenda  
Department Heads Meeting  
June 28, 2016 – 10:00 a.m.

1. Review Tentative July 11 Council meeting
2. Tentative Future Agenda
3. Document Signing/Grants
  - NeighborWorks Umpqua Block Party Change
  - Graffiti Show N Shine Loudspeaker Permits
  - Kring/Basco Fourth of July Block Party
4. Department Items



Agenda  
Department Heads Meeting  
July 5, 2016 – 10:00 a.m.

1. Review Tentative July 11 Council meeting
2. Tentative Future Agenda
3. Document Signing/Grants
4. Budget Distribution
5. Social Media Status
6. Employee Recognition
  - 10 Years – Brian Davis, Community Development Director
  - Mike Dodds, Park Maintenance
7. Department Items

TENTATIVE FUTURE COUNCIL AGENDA

Unscheduled

- City Hall Entry/Finance Department Remodel
- Partnership Bylaws
- Roadside Memorial Policy
- Urban Services Agreement
- Amending RMC 5.04 Water Rules and Regulations

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July 25, 2016

Consent Agenda

- A. Minutes of July 11, 2016

Ordinances

- A. 2<sup>nd</sup> Reading, Ordinance No. \_\_\_\_ - Mulholland Plat and Street Vacation
- B. 2<sup>nd</sup> Reading, Ordinance No. \_\_\_\_ - Smoking Prohibition for City Parking Lots and Sidewalks Abutting City Parks and Parking Lots

Informational

- A. Activity Report (Quarterly Reports)

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August 8, 2016

Consent Agenda

- A. Minutes of July 25, 2016

Informational

- A. Activity Report

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August 22, 2016

Consent Agenda

- A. Minutes of August 8, 2016

Department Items

- A. Deer Creek Path Bid Award
- B. Cascade Court Storm Drainage Project Bid Award
- C. Chestnut Storm Repair Bid Award

Informational

- A. Activity Report

Executive Session

- A. City Manager Quarterly Evaluation

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September 12, 2016

Council Reports

- A. Implementation of City Manager Annual Performance Evaluation

Consent Agenda

- A. Minutes of August 22, 2016

Public Hearing

- A. Annexation, Zone Change and Withdrawal of Tabor Property From Fire District No. 2, Ordinance No. \_\_\_\_

Department Items

- A. Downtown Roseburg Association Annual Report

Informational

- A. Activity Report

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**September 26, 2016**

Mayor Reports

- A. Walk and Bike to School Day Proclamation

Consent Agenda

- A. Minutes of September 12, 2016

Ordinances

- A. 2<sup>nd</sup> Reading, Tabor Annexation, Zone Change and Withdrawal

Informational

- A. Activity Report

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**October 10, 2016**

Consent Agenda

- A. Minutes of September 26, 2016

Informational

- A. Activity Report

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**October 24, 2016**

Consent Agenda

- A. Minutes of October 10, 2016
- B. Cancellation of December 26, 2016, Meeting

Informational

- A. Activity Report (Quarterly Reports)

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**November 14, 2016**

Consent Agenda

- A. Minutes of October 24, 2016

Informational

- A. Activity Report

Executive Session

- A. City Manager Annual Review

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**November 28, 2016**

City Council Reports

- A. City Manager Contract

Consent Agenda

- A. Minutes of November 14, 2016

Informational

- A. Activity Report

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**December 12, 2016**

Mayor Reports

- A. Election Results

Consent Agenda

- A. Minutes of November 28, 2016

Informational

- A. Activity Report

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**January 9, 2017**

Mayor Report

- A. State of the City Address

- B. Commission Chair Appointments
- C. Commission Appointments
- Council Ward Reports
  - A. Election of Council President
  - B. Planning Commission Appointments

- Consent Agenda
  - A. Minutes of December 12, 2016

- Informational
  - A. Activity Report

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**January 23, 2017**

- Consent Agenda
  - A. Minutes of January 10, 2017

- Informational
  - A. Activity Report – Municipal Court Quarterly Report

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**February 13, 2017**

- Special Presentation
  - A. CAFR Review – Auditor Scott Cooley
  - B. Quarterly Financial Report – Quarter Ended December 31, 2016
  - C. 2017-18 Budget Calendar

- Consent Agenda
  - A. Minutes of January 2, 2017

- Informational
  - A. Activity Report

- Executive Session
  - A. City Manager Quarterly Evaluation

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**February 27, 2017**

- Consent Agenda
  - A. Minutes of February 14, 2017

- Department Items
  - A. The Partnership Annual Report

- Informational
  - A. Activity Report

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**March 13, 2017**

- Consent Agenda
  - A. Minutes of February 28, 2017

- Department Items
  - A. Visitors Bureau Annual Report

- Informational
  - A. Activity Report

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**March 27, 2017**

- Consent Agenda
  - A. Minutes of March 14, 2017

- Informational
  - A. Activity Report

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**April 10, 2017**

Mayor's Report

- A. Volunteer Recognition Month Proclamation

Consent Agenda

- A. Minutes of March 28, 2017
- B. 2017 OLCC License Renewal Endorsement

Informational

- A. Activity Report – Budget Calendar Reminder

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**April 24, 2017**

Consent Agenda

- A. Minutes of April 11, 2017

Informational

- A. Activity Report – Municipal Court and Financial Quarterly Reports

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**May 8, 2017**

Consent Agenda

- A. Minutes of April 25, 2017
- B. U-TRANS Services Contract

Informational

- A. Activity Report

Executive Session

- A. City Manager Quarterly Evaluation

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**May 22, 2017**

Consent Agenda

- A. Minutes of May 9, 2017
- B. Fee Amendment Resolutions

Informational

- A. Activity Report

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**June 12, 2017**

Mayor Reports

- A. Camp Millennium Week Proclamation

Consent Agenda

- A. Minutes of May 23, 2017

Public Hearing

- A. Resolution No. 2017 – 2017/18 Budget Adoption

Informational

- A. Activity Report

Urban Renewal Agency Board Meeting

- A. Approval of Minutes
- B. Public Hearing – 2017/18 Budget Adoption

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**June 26, 2017**

Consent Agenda

- A. Minutes of June 13, 2017

Informational

- A. Activity Report

Executive Session

- A. Municipal Judge Evaluation

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**July 10, 2017**

Consent Agenda

- A. Minutes of June 27, 2017

Informational

- A. Activity Report

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**July 24, 2017**

Consent Agenda

- A. Minutes of July 11, 2017

Informational

- A. Activity Report – Municipal Court and Financial Quarterly Reports

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**August 14, 2017**

Consent Agenda

- A. Minutes of July 25, 2017

Informational

- A. Activity Report

Executive Session

- A. City Manager Quarterly Evaluation

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**August 28, 2017**

Consent Agenda

- A. Minutes of August 8, 2017

Informational

- A. Activity Report

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**September 11, 2017**

Council Reports

- A. Implementation of Annual City Manager Performance Evaluation

Consent Agenda

- A. Minutes of August 22, 2017

Department Items

- A. Downtown Roseburg Association Annual Report

Informational

- A. Activity Report

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**September 25, 2017**

Mayor Reports

- A. Walk and Bike to School Day Proclamation

Consent Agenda

- A. Minutes of September 12, 2017

Informational

- A. Activity Report

\*\*\*\*\*

**October 9, 2017**

Consent Agenda

- A. Minutes of September 26, 2017

Informational

- A. Activity Report

\*\*\*\*\*

**October 23, 2017**

Consent Agenda

- A. Minutes of October 10, 2017
- B. Cancellation of December 26, 2017 Meeting

Informational

- A. Activity Report – Municipal Court & Financial Quarterly Reports

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**November 13, 2017**

Consent Agenda

- A. Minutes of October 24, 2017
- B. Cancel December 25, 2017 Meeting

Informational

- A. Activity Report

Executive Session

- A. City Manager Annual Report

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**November 27, 2017**

Council Report

- A. City Manager's Contract

Consent Agenda

- A. Minutes of November 14, 2017

Informational

- A. Activity Report

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**December 11, 2016**

Mayor Reports

- A. Election Results

Consent Agenda

- A. Minutes of November 28, 2017

Informational

- A. Activity Report

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Friday June 10, 2016

Good Friday afternoon everyone! It appears we have a bit of a weather reprieve so I hope you can all enjoy the great outdoors this weekend. If you are having trouble finding something to do, please check out our local Visit Roseburg website to remind you what you may be missing! The site can be found at <http://www.visitroseburg.com/> . I think we sometimes take for granted what great options and opportunities we have in and around Roseburg and Central Douglas County.

Councilor Marks and I attended a Partnership leadership committee meeting on Med Ed early this week. The purpose of the meeting was to receive an update on the progress made to date on the project and to determine if we had achieved sufficient progress to warrant continuing to move the project forward. In recent weeks representatives from the Partnership and the Veterans Administration made presentations to House and Senate committees at the State Legislature and representatives from DCIPA made presentations to federal legislative groups. There is support to hold a "field" meeting in Roseburg this summer with members of the White House staff and legislative staff to discuss rural healthcare needs and opportunities. It was the consensus of the Leadership group to continue working on the project. Partnership Director Wayne Patterson will continue to work with Pac West to negotiate a continuing scope of work that would move the project through the 2017 legislative session (twelve months) and work with all of our partners to identify funding options.

Nikki Messenger and I attended the super ACT meeting which was a combined meeting of ODOT's Southwest and Rogue Valley Area Commissions on Transportation. The purpose of the meeting was to evaluate the eight projects that were submitted through our regional processes for the 2019-21 STIP enhance funding and forward recommendations to the Oregon Transportation Committee. Unfortunately, our Douglas Avenue transportation/bikeway/sidewalk project just missed the funding cutoff. All of the projects selected for funding were projects that were directly on the ODOT highway system, and while folks ranked our project very high, the selection criteria was weighted heavily towards system improvements. The projects that were selected were all very good projects, but we were still disappointed. We are continuing to work with our regional ODOT partners to leverage local and regional funding whenever possible.

The Public Works Commission met yesterday to consider a couple recommendations to City Council for your meeting on Monday. The Commission recommended the award of this year's overlay project to Knife River and the Overlay Construction Management contract task order to Murry Smith and Associates. You will see both of those items on your Council agenda as well as your Urban Renewal Agenda. They also recommended

entering into a contract for engineering services with i.e. Engineering for design services related to adding a second left turn lane from East bound Stewart Parkway onto North bound Edenbower. All of these projects are contained in our five-year CIP and budgeted in our 2016-17 budgets.

The Umpqua Community College commencement activities will take place later today. Governor Kate Brown is one of the speakers and will be bringing her vision of optimism and hope for UCC students and faculty as well as our entire community. Governor Brown and some of her staff will be holding a small gathering of first responders at the PSC this afternoon to thank and honor those who were involved in the immediate aftermath of the October 1<sup>st</sup> incident. We continue to work with representatives from UCC to move the community forward in the recovery process directly through some of our work, and indirectly through our work with CHART and the TLC appointed by the Governor. I have tremendous respect for the work that the college has accomplished in the last eight or nine months and we look forward to continuing our work together in the community. Local business person and school board member Steve Patterson told our CHART group yesterday that at the RHS graduation ceremony they asked students to stand if they were considering attending UCC next year, and he indicated well over 100 students stood up to a great ovation. So, congratulations to the graduating seniors throughout Douglas County and to those walking at commencement this evening at UCC.



Have great weekend everyone. We will see you all on Monday and look forward to adopting our 2016-17 budgets for the City and our Urban Renewal District!

Friday June 17, 2016

Good Friday afternoon everyone! It appears we will have a pretty mild weather weekend so I hope you will all be able to get out and enjoy some of the events in and around town. Please check out the visit Roseburg site at <http://www.visitroseburg.com/events/> if you are looking for something new and different to do. Don't forget that Music on the Half Shell begins next Tuesday and you are invited to join the MOTHS committee down at the tent to share some time with other event sponsors and enjoy the Half Shell atmosphere. The first concert of the series is modern Brazilian musician and entertainer Luisa Maita. As always, we look forward to the upcoming MOTHS series for summer 2016. This summer marks the 25<sup>th</sup> anniversary of the Music series, which started on a shoestring, and thanks to the commitment of the MOTHS committee, has provided incredible entertainment for 25 years. Thanks to all of those who have been involved and continue to sponsor this great event.



Speaking of support, I would also like to thank the folks who work year round raising money and coordinating the Roseburg Hometown Fourth of July celebration. Committee members include: Mariah Smith – Chair, Steve Feldkamp, Dan Slight, Shaun Ryan, Carol Hunt, Jesilyn Risk, Tim Smith, Val Ligon, Jeff Eichenbusch, John VanWinkle, and Bob Ferguson – Pyro technician. Each of these community and/or staff members plays a vital role in this very popular event which is supported by Council through the budget process. There is also significant contribution of staff time from City Parks, Public Works, Police and Fire Departments. Once again I would like to thank the community volunteers, businesses and our folks for organizing and putting on such a great event.



In addition to the Fourth of July celebration, events coming up or continuing in the parks include the Police Pursuit K9 Fun Run & Walk which will be held in Stewart Park on Saturday, June 25<sup>th</sup> and is a fundraiser for the City of Roseburg and Douglas County K-9 programs.

Stewart Park is also the location of our very successful Friday night movies in the park series for local families. Tonight's movie is Star Wars - the Force Awakens and the final movie next week will be Kung Fu Panda-3. Movies in the park are co-sponsored by the City of Roseburg Parks Department and US Cellular with event



sponsors Booster Juice, Roseburg Honda, Rogue Credit Union, and Ten Down Bowling and Entertainment. Pre-movie entertainment begins at 7:30 p.m. and movies start at dusk, usually around 9:00 p.m.

The 48<sup>th</sup> annual Summer Arts Festival will be held at the Umpqua Valley Arts Center from June 24th through June 26th this year. Following is an excerpt from their website at <http://uvarts.com/summer-arts-festival/>



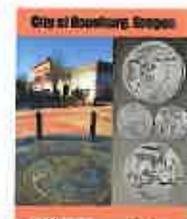
“UVAA is proud to present our Annual Summer Arts Festival. Situated in Roseburg’s beautiful Fir Grove Park, the festival celebrates the Land of Umpqua’s abundant creative talent, and attracts thousands of visitors each day.

Our Visitors Enjoy:

- Over 100 local and regional artists offering hand-crafted works in all media
- Fun-filled art projects for children in our “Kids’ Zone”
- A Community Art Project
- Outstanding local artists offering demonstrations of how they work
- Non-stop music, dance, and other entertainment on two stages
- A food court featuring *Umpqua Dairy*, local BBQ, as well as craft beer and local wine

Bring your friends, listen to some great music, grab a bite to eat at the *McMenamins Food Court*, and browse the artwork & crafts of over 120 local artisans. Perfect for families to spend a summer day together having fun!”

Thanks to all of you who attended Monday’s Council meeting at which you adopted our 2016-17 budget. The budget is the primary financial policy document prepared by the City to provide a framework to carry out Council goals and the general operations of the City. We look forward to continuing to provide a very high level of service to our community.



A number of Councilors and I attended a community input meeting earlier this week at the invitation of NeighborWorks Umpqua to provide input for their development of the NWU strategic initiative and planning process. NWU provides primary services in Douglas, Coos and Curry Counties as well as some designated service in many other rural Oregon Counties. I believe each of those present learned a lot about NWU’s mission and the services they provide and also appreciated the opportunity to provide input into the process. We are working closely with NWU on some grant applications and programs which include housing and community service/community development.

Tuesday I attended the monthly meeting of DCIDB. The IDB, like our Economic Development Commission, works closely with the Partnership and communities throughout Douglas County to develop opportunities for job creation, job retention and expansion, and company recruitment. This week they recommended to the Commissioners that a piece of property in the Green Industrial Park be sold to a small business owner and that the IDB contract with the Partnership to continue the Medical Education College process we have been pursuing in the amount of \$50,000. The total estimated cost of the next year (to get through the legislative session) is \$180,000. The local medical community has committed \$100,000 and if the Commissioners approve, the IDB will provide \$50,000.



I hope you have all had a chance to go downtown this week to see the newly installed kiosks at the four primary intersections on Oak and Washington. I have already received a number of positive comments and would like to thank all who were involved. We hope to have a ribbon cutting ceremony the week before the Graffiti cruise and Mayor Rich already indicated he will be available. Stay tuned.



This afternoon I attended The Leadership Committee (TLC) appointed by the Governor to work with CHART on our continued healing and recovery process and to work on the Federal response grant that will provide funding for reimbursement of some extraordinary out of pocket costs related to October 1st and funding for the next 12 to 24 months relating to individual and community health, mental health and recovery services. As we have seen, the recovery process is different for many of those involved and things continue to change in response to the needs. Many agencies continue to step up to meet ongoing demands from the community and this grant can help fund components of the recovery efforts related to “victims” in our community. Earlier in the week I did reach out to the Public Information Officer in the Orlando Police department to offer our community’s condolences and offer the City’s assistance in dealing with the aftermath of their tragedy.

Happy Father’s day to all the dads and granddads out there who celebrate on this special day. Have a great weekend everyone.

Friday June 24, 2016

Good Friday afternoon everyone. This has been a very busy week as staff is finishing up our bi-annual June/July newsletter which will be published and available online early next week. The newsletter has grown over the years to what this time will be 26 pages of articles, flyers, and information about what has been happening in the community and our organization for the last six months and a look at what's coming up. The newsletter was started in 1999 as a newspaper insert and has been published twice a year since. In 2009, staff started publishing the newsletter in house. We are now able to publish fewer physical copies of the newsletter, but reach a much wider audience through the availability of electronic media. I would like to thank the department heads and their staff for their diligence in getting the materials prepared for this volume, and I would like to particularly thank Koree Tate for efforts in putting the final version into a more up to date and readable format. Great job Koree!



We started the week off with a Partnership meeting on Monday. We welcomed a new "member" to the Partnership this week. Brent Hutchings, owner and CEO of North River Boats recently joined the Partnership and will be able to provide significant additional private sector insight into manufacturing and growing a business in the greater Roseburg area. Mr. Hutchings took over the business as owner in April 2014 and has grown the revenues and employment base dramatically in just over two years. According to the website they now employ almost 130 folks, up from around 60 or so during the recession, so they are clearly a great local success story and Brent would now like to give back to the community and the Partnership for all the support he has received over the past few years. You can find current information on the company at <https://www.northriverboats.com/why-north-river/>



The first entertainer for the kickoff of the 25<sup>th</sup> year of Music on the Half Shell performed Tuesday night. The City of Roseburg continues to be a major sponsor of the event as it has for the entire 25 years and I had the privilege of saying thank you to the MOTHS committee and the community for their support prior to the event along with other major sponsors. The weather was great to start off this year's series and the crowd was good for early in the year. MOTHS truly is one of the community's signature events and the

committee, many of whom have volunteered for years, is to be commended for their tireless dedication to bringing diverse entertainment and culture to our Burg!

I know I reminded you last week, but the annual Umpqua Valley Arts Festival kicks off today. This event continues to grow and provides our community with an opportunity to see a wide variety of artistic expression, music, performers and culinary options that we don't necessarily have available year round. The Art Center staff and volunteers have done an excellent job of recruiting artists and entertainment to provide two and half days of culture, creativity and a general good time for everyone in the family. They are particularly kid friendly and have a number of youth performances throughout the event. I plan on attending this evening and look forward to a little "shopping" and dinner and I hope you all have an opportunity to attend as well. <http://uvarts.com/summer-arts-festival/> .

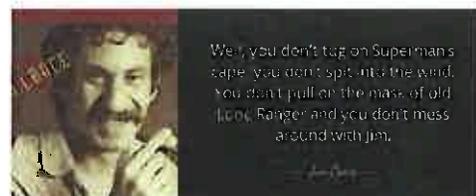


The Roseburg Coastal Farm and Ranch store has moved up Garden Valley Boulevard. directly behind their old location. The new building is about 40,000 sq. ft. in size, about 15,000 sq. ft. larger than their former building. Coastal is open at their new location as of their "Soft Opening" on June 10. Their "Grand Opening" is slated for July 13-16. Coastal had occupied their previous location for 21 years and was Coastal's smallest of its 15 stores throughout the northwest, yet it was one of their busiest. Before Coastal was established in Roseburg, the location previously served as a Fred Meyer warehouse.



As you all know, I always try to end my Friday message on a high note. I usually do a reach out to all the department heads for "random thoughts or words of wisdom" to make sure I don't miss important happenings. This week I did, so here are the words of wisdom I received this week that I need to share with all of you. Thanks Nikki.

Don't tug on superman's cape.  
Don't spit in to the wind.  
Don't pull the mask off the old lone ranger.  
Don't mess around with Jim.



I hope everyone has a great weekend.

Friday, July 1, 2016

Good Friday afternoon to everyone! As everyone knows, Lance has been off this week, so this Friday's message is truly coming from all the Department Heads – thank goodness they're always willing to help me out!

On Monday, Lance, Debi and Brian attended a tourism town hall meeting at the Public Safety Center in which Travel Oregon CEO Todd Davidson discussed ways in which the state and local jurisdictions can work to improve tourism efforts. Oregon has seen tremendous growth in the tourism industry, and he emphasized the potential that Southern Oregon, and particularly Roseburg, has in tourism (Todd's online bio starts with his love for the North Umpqua). Travel Oregon has and will continue to conduct similar town halls throughout the state this year in an effort to increase visibility and technical assistance.

On Wednesday, Brian attended a workshop in Medford put on by FEMA and the Department of Land Conservation and Development regarding potential regulatory changes to the flood plain. You may have heard on the news this week that our Congressional Delegation sent a letter to FEMA asking it to proceed collaboratively as it drafts regulations intended to protect endangered species in the flood plain. The Congressional Delegation was particularly troubled by the tone of FEMA's letter in which it threatened local jurisdictions with penalties for noncompliance with no timeline.

This week brought about some changes in staff. In the Police Department, three long-term employees announced their pending retirement. Sergeant Aaron Dunbar and Officer Roger Childers retired effective today, July 1<sup>st</sup>. Sergeant Dunbar started with the City in December of 1986 after working with the Canyonville Police Department. Officer Childers started in December of 1987 and has spent his entire career with us. Additionally, Sergeant Bryan Oelrich will be retiring on July 29<sup>th</sup>. Sgt. Oelrich started in June of 1982 and worked for the Winston and Sweet Home PD's prior to coming to Roseburg. All 3 have been super-dedicated and loyal employees and have dedicated their hearts and lives to our community. They will be greatly missed, but all deserve this huge accomplishment. A life-long career in law enforcement can take its toll on a person in many ways but these three guys have exemplified exactly what "public service" means.



Corporals Dennis Chrisenberry and Jeremy Sanders will both be promoted to sergeant positions to fill the vacancies left by Dunbar and Oelrich ~ so congratulations to both of them. Dennis will fill Dunbar's position effective today, July 1 and Jeremy will fill Oelrich's position beginning August 1<sup>st</sup>. That leaves us with an open solicitation for the corporal positions vacated by their promotions.

We are also excited to bring on two new employees starting in early July. Merrill Gonterman is relocating from Canby to fill a Battalion Chief position in the Fire Department. He joins us from the City of Portland Fire Bureau where he started in 1986 and worked his way through the ranks of Firefighter, Lieutenant, Captain, Battalion Chief, Assistant Fire Marshal, Deputy Chief of Special Operations and Division Chief. Coming to Roseburg will allow Merrill to continue his career in the fire service as well as be close to

his family. With over thirty years of service and fire service experience he will be an asset to the Fire Department.

We also have an experienced Police Officer, Chris Bonebrake, who will be joining us after two years with the Douglas County Sheriff's Office as a Patrol Deputy. In recruiting news, the Public Works Department is working to wrap up the hiring process for the Engineering position that Council authorized with the approval of this year's budget. We hope to have a new employee in that position starting August 1.

Council President Ryan and the Fire Department recently gave the lifesaving award to Tracy Belanger, manager of Fred Meyer, for his life saving efforts. Tracy was called to action after a customer, Nancy Strand, had eaten too much peanut butter and was choking. Strand is a diabetic and was attempting to stabilize her blood sugar levels. Tracy had recently recertified his first aid training and went into action. He successfully performed the Heimlich maneuver, as Nancy was turning blue. The Fire department was grateful to see the successful outcome as they arrived within a minute thirty seconds of the initial call.



On the Public Works side of things, it was good to hear that the contractor is supposed to do some cleanup work and get mostly out of the way for graffiti week. There may still be some lane closures in the mornings (during the week) but they are supposed to open up by noon. The following is an update we received earlier this week from ODOT and Koree emailed separately this morning:

### **ODOT PROJECT UPDATE ODOT moves off road for Independence Day, Graffiti Weekend**

Motorists will find it easier to get around Roseburg next week. From Friday afternoon, July 1, to Sunday evening, July 10, most lanes through ODOT's Roseburg project area will be open for Independence Day and Graffiti Weekend traffic.

There are a few exceptions. Motorists can expect work zone lane closures on Tuesday, July 5, the day before Graffiti begins. Also, there will be intermittent lane closures on the mornings of July 6-8. Some turn lanes will not be open.

Several traffic control changes will be in effect the week of July 11-15, when construction resumes:

- The one block section of Douglas Avenue between Rose Street and Stephens Street will be intermittently closed. Motorists are advised to use alternate routes.
- Flaggers will provide around-the-clock traffic control at the intersection of Douglas Avenue and Stephens Street.
- Washington Avenue will be limited to a single lane between Rose Street and the railroad tracks.

Starting the morning of July 11, the Oak Avenue Bridge will be reduced to a single lane until late summer. This \$10.5 million *OR 138E Corridor Solutions* project is scheduled for completion this fall.

**Spruce Street:** Throughout July, the City of Roseburg will continue construction on its Spruce Street project, south of Oak Avenue. Watch for lane closures and use alternate routes.

For more project information, visit [www.roseburg138.com](http://www.roseburg138.com).

Nikki and her staff are continuing to work with FEMA on a couple of projects resulting from damage that occurred during the December 2015 storms. This may lead to reimbursement for a portion of the costs to replace a storm line near the social security office and the frame of the Stewart Park band-shell. They are also working towards funding projects to address riverbank erosion in Stewart Park and near the bike path between Gaddis and Deer Creek parks. And needless to say, the maintenance crews have been busy facilitating community events. It's a busy time between the Summer Arts Festival, Hometown 4<sup>th</sup> of July and Graffiti all being three weekends in a row.



We received the following announcement from Downtown Roseburg Association and thought it was an excellent opportunity so we wanted to pass it along to everybody:

Greetings! Here is your opportunity to have a voice in the future development of downtown Roseburg.

A consultant, Bill Flood, has been retained to make recommendations regarding future development. Some of the ideas under consideration are and Artisan Center, a maker's space (a place where people can rent space and equipment to build things), live/work spaces, artist studios, cooperative gallery or more galleries, and an arts center (with maybe performance venues, etc.).

**Does one of these or something else stand out to you as the best focus for downtown?**

Here is the link to a SUPER BRIEF Survey Monkey survey to give feedback to the initiative. The survey will close in about a week so today would be a good time to make your voice heard. Please send this link to anyone who might like to give input.

<https://www.surveymonkey.com/r/LXS7M2S>

Your feedback will be integrated into a KEY LEARNINGS document that will lead to development of the final report. Thank you for your time.

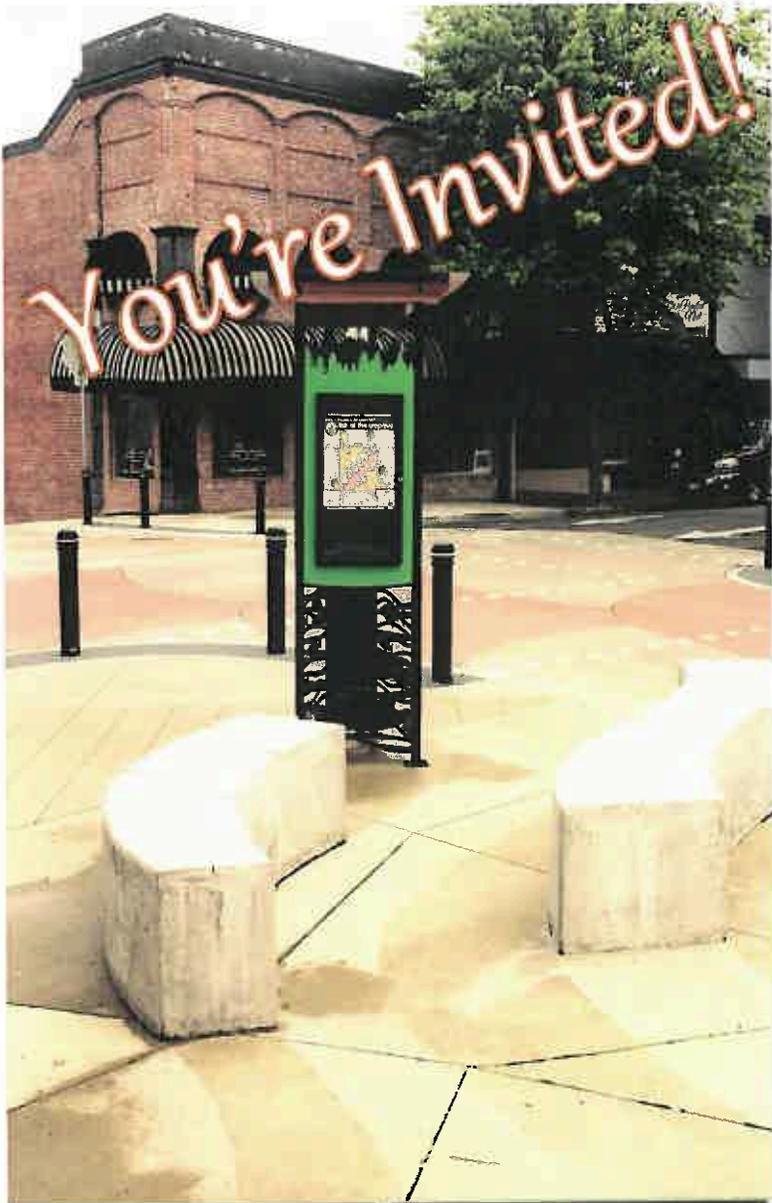
We would encourage all of you to take a few minutes and respond to the survey.

Next Thursday on July 7<sup>th</sup>, Mayor Larry Rich will officially cut the ribbon for the “grand opening” of the City of Roseburg’s downtown streetscape and public art project. You are all invited to attend. A flyer is included with location information and time.



That about wraps it up for this week! We hope everyone has a safe and fun holiday weekend and that you have an opportunity to enjoy the activities at the “Roseburg Hometown 4<sup>th</sup> of July Celebration” in Stewart Park. The vendors, which will include Rolling Thunder BBQ, Booster Juice, Umpqua Dairy Ice Cream, BeDazzled Face Painting, and Rocking GP BBQ (on the Fir Grove side), will open up at 4:00 in the afternoon. Live music will begin at 6:45 and include performances by the Big Horn Band, Midnight Pacific and Mojo Boogie, with each set lasting about an hour. The National Anthem will be at 9:55 and fireworks go off at 10:00!! Enjoy!





Please join us for a ribbon cutting ceremony at 8:30 a.m. on Thursday, July 7<sup>th</sup> on Oak Avenue between Jackson Street & Main Street

# Downtown Streetscape Grand Opening

