

ROSEBURG CITY COUNCIL AGENDA – MAY 9, 2016  
City Council Chambers, City Hall,  
900 S. E. Douglas Avenue, Roseburg, OR 97470



**6:00 p.m. – Special Meeting** - Infrastructure Funding - Transportation

**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. **Audience Participation – See Information on the Reverse**
7. **Consent Agenda**
  - A. Minutes of April 25, 2016 Regular Meeting
  - B. OLCC Ownership Change, Colony Market, 1612 NW Keasey
  - C. Division of Assets/Assumption of Liabilities Agreement w/Fire District No. 2
  - D. Fee Amendment Resolutions
    - Resolution No. 2016-10 - General Fees
    - Resolution No. 2016-11 - Water System Fees
  - E. Resolution No. 2016-12 – Transportation Growth Management Grant for Pine Street Overlay
8. **Public Hearing**
  - A. CDBG Grant Application for UCAN Head Start
9. **Ordinances**
  - A. 2<sup>nd</sup> Reading, Ordinance No. 3463 – Lookingglass Property Annexation/Zone Change and Withdrawal From Douglas County Fire District No. 2
  - B. 2<sup>nd</sup> Reading, Ordinance No. 3464 – Parks & Recreation Commission Duties
  - C. Ordinance No. 3465 - Access Point Inc Telecommunications Franchise
  - D. Ordinance No. 3466 - Pacific Power Electric Utility Franchise
  - E. Criminal Activity Ordinances:
    1. Ordinance No. \_\_\_\_ - Adding RMC 7.12-Enhanced Law Enforcement Areas
    2. Ordinance No. \_\_\_\_ - Adding RMC 7.14-Chronic Nuisance Properties
    3. Ordinance No. \_\_\_\_ - Adding RMC 7.16-Adopting ORS 98.515 and ORS 98.520 – Shopping Carts
10. **Department Items**
  - A. Economic Development Commission Tourism Funding Recommendation
11. **Items From Mayor, Council or City Manager**
12. **Informational**
  - A. Activity Report
13. **Executive Session ORS 192.660(2)(l) CM Quarterly Evaluation**
14. **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).***

*gjc*  
*5/3/16*

## ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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### Infrastructure Funding - Transportation

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Meeting Date: May 9, 2016  
Department: Public Works  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

Agenda Section: Special Meeting  
Staff Contact: Nikki Messenger  
Contact Telephone Number: 541-492-6730

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### ISSUE STATEMENT AND SUMMARY

Council has directed staff to investigate and report on funding options for Transportation Funding. The issue for Council is to provide staff direction on what type of funding mechanisms they would like further investigation on.

### 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.

**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.

Between now and September 2019, Urban Renewal Funding will allow us to add to the \$800,000 in transportation, primarily for arterial street pavement maintenance, but this funding source will end at that time. The Urban Renewal component will not allow us to meet our long-term objectives.

In addition to the \$640,000 funding shortfall for pavement maintenance, there is a shortfall in funding identified in the 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.

There are several different mechanisms that cities use to fund transportation maintenance and capital improvements. Below is a list and short explanation of each option.

1. **Gas Tax** – Currently, 24 cities in Oregon have local gas taxes ranging from 1 to 5 cents per gallon. A vote is required to institute a gas tax. The tax is typically collected by the state and is paid by the fuel supplier when the fuel is delivered to the station. One of the challenges for our city is providing a transportation network for a population that is much larger than our actual tax base. A gas tax is one mechanism for sharing this expense among all of the road users within the City. There are currently 18 gas stations within the Roseburg City Limits and 10 gas stations outside of the City Limits, but within 10 miles – including 3 in Green, 1 in Winston, 1 in Dixonville, and 5 in Sutherlin.

Each gas station seems to price their products differently and we do not believe that a small local gas tax in Roseburg would significantly impact the price differential charged. Current pricing seems to range from a 15 to 25 cent differential, with one or two other stations outside that range.

2. **Transportation Utility Fee** – A transportation utility fee (TUF) can be established by the Council without a public vote. Thirty one Oregon cities currently have a TUF. The fee can be a fixed amount, based on trip generation, parking spaces required, or some other nexus to transportation. The TUF would only be applicable to properties within the City Limits and is staff intensive to establish. In 2009, staff estimated that a \$3/month/ERU (based on trip generation) fee would generate about \$885,000 annually. The split between residential and commercial fees was about 31% to 69%. A TUF can only be applied to city properties and does not spread the burden of maintaining the system among all of the users.
3. **Franchise Fees** – The Council currently dedicates fifteen percent of franchise fees to pavement maintenance. Council could consider raising franchise fees (where possible) or imposing a new fee on entities not currently paying a percentage of gross revenue. These would include RUSA and Roseburg Disposal. Franchise fees are paid by City residents and businesses and are not spread among other system users.
4. **Bond/Levy** -- Bond levies and capital projects levies, with voter approval, can be levied for up to ten years and the tax rate provides property tax revenue outside the constitutional limits and does not compress other taxing jurisdictions. The current taxable assessed value outside the Urban Renewal is approximately \$1.5 billion. To generate \$1 million annually would require a tax rate of approximately 65 cents per one thousand dollars of assessed value.
5. **Increase in outside City fee** attached to water billing and/or add a monthly service fee to city resident water bills – The outside fee currently goes to General Fund. This mechanism does not capture revenue from all of the road users, just those within the water district. The outside user fee is currently \$10/month and generates about approximately \$343,000 annually.

**6. Transportation System Development Charge – capital only –** The Transportation System Development Charge (TSDC) is currently set at 25% of the amount justified in the methodology. The Council has the ability to raise this without having to revisit the methodology itself. The fee is paid at time of development to account for impacts to the transportation system caused by development. This fee is collected within the water service district, with the exception of Dixonville. The amount the TSDC generates can vary and is budgeted at \$125,000 for FY 16-17.

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

	<u>FY 13-14</u>	<u>FY 14-15</u>	<u>FY 15-16 Budget</u>
Franchise Fees	\$ 417,931	\$ 414,287	\$ 436,970
STP Funds	\$ 326,252	\$	\$
Gas Tax	\$1,255,314	\$1,281,603	\$1,297,926
TSDC	\$ 51,479	\$ 169,294	\$ 53,000
Interest	<u>\$ 11,267</u>	<u>\$ 15,386</u>	<u>\$ 12,000</u>
<i>Total Revenue</i>	<i>\$2,062,243</i>	<i>\$1,880,570</i>	<i>\$1,799,896</i>

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 13-14</u>	<u>FY 14-15</u>	<u>FY 15-16 Budget</u>
City Services – MGT	\$ 48,687	\$ 63,499	\$ 45,966
City Services – PW	\$ 916,147	\$ 871,900	\$ 808,666
Audit Fees	\$ 2,324	\$ 2,806	\$ 2,850
Road Maint (PMP)	<u>\$ 560,775</u>	<u>\$ 107,057</u>	<u>\$ 800,000</u>
<i>Total M&amp;S Expenses</i>	<i>\$1,527,775</i>	<i>\$1,045,262</i>	<i>\$1,657,482</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.

It should be noted that Urban Renewal funding is programmed in the next three budget years as part of the 2016-2021 Capital Improvement Plan to accomplish grind/inlay projects on a few major streets within the Urban Renewal District. While this provides temporary relief to this funding shortfall, it is not a long term solution to the issue.

**D. Timing Issues.** Depending upon which of the funding mechanism(s) Council decides to pursue different timelines may be required. The issue is not going away and has been a topic of discussion for many budget cycles. The sooner Council can provide direction to staff, the sooner we can return with additional information and timelines for implementation.

**COUNCIL OPTIONS**

The Council has the option of directing staff to bring back additional information on one or more of the options listed, or provide different direction to staff concerning transportation funding.

**STAFF RECOMMENDATION**

Staff recommends that Council consider one or more of the funding options outlined. Staff would further recommend that the gas tax idea be given serious consideration, as it is one of the only mechanisms that spread the burden of constructing and maintaining the transportation infrastructure to the system users, not just the citizens of Roseburg. It is very difficult for a population of 22,000 to support a road system used by 40-60,000 people daily.

**SUGGESTED MOTION**

It would be appropriate for Council to provide staff direction.

**ATTACHMENTS**

League of Oregon Cities Publication "Transportation Funding – A City Priority"



# LOCAL FOCUS

LOC Conference Recap

What is "Claimology"?

The ADA & City  
Services

The Magazine of the League of Oregon Cities

November 2014

## TRANSPORTATION FUNDING

### A City Priority

# Transportation Funding: A City Priority

**M**uch has been written and reported about the deterioration of the nation's transportation infrastructure—of the failure of government to adequately invest in the maintenance and preservation of existing facilities and to allocate resources to new capital projects to enhance transportation systems. This month's issue of *Local Focus* endeavors to enlighten the reader as to the challenges and opportunities facing cities in Oregon.

This feature offers a primer on sources and uses of transportation funds; makes a case for a multi-modal, system-wide commitment; discusses the impact of transportation infrastructure as it pertains to quality of life (safety, environment and healthy living); describes the tools that cities currently have to address transportation issues themselves; and outlines elements of both the League's transportation priority as well as what a possible 2015 legislative package might look like. In addition, three city testimonials will serve to underscore the need for and importance of adequate transportation funding.



# The Local Need – Comprehensive Funding

By Craig Honeyman, LOC Legislative Director

City transportation infrastructure is getting older and more expensive to preserve and maintain. In most cases, local expansion of the system is not a possibility given funding shortages and the overwhelming need to protect what's already in place. In addition to maintaining existing infrastructure, city transportation systems will be further stressed by a projected population increase of 25 percent by 2030.

To quantify the financial challenges facing Oregon's cities in terms of their responsibility to manage a street and road system, the League surveyed its membership in 2013. Sixty-four percent of the cities in Oregon responded (154 total), representing 90 percent of the state's city population, and the picture was not a pretty one. In the aggregate, the street management funding gap challenging city officials statewide is more than \$300 million per year. Cities of all sizes are struggling to fund street maintenance, but predictably larger cities have a greater unmet need.

While some cities have sought to address their shortfall through local initiatives (see accompanying article), most have not—leaving it principally to the state and, to some extent federal funding, to support street management.

## The LOC Legislative Priority Process

Every two years, the League convenes eight policy committees to make recommendations on potential legislative priorities for the upcoming biennium. This member-driven process helps the League focus its agenda and messaging, and serves to engage local officials throughout Oregon in legislative advocacy.

The LOC Transportation Policy Committee developed an approach to a comprehensive transportation policy and funding package that the League will take into the 2015 Legislature as part of its commitment to work with other stakeholders on this critical infrastructure need. This recommendation stood out as one of the LOC membership's top priorities, and inclusion on the League's "short list" of pre-session priority issues was ratified by its board of directors.

As many of the articles in the following pages suggest, transportation solutions need to: be multi-modal; take into account the need for connectivity; offer choices to the transportation consumer; improve safety; enhance economic development; protect the environment; and promote healthy living through active transportation. The League, given its commitment to advocating on behalf of cities statewide regardless of location, demographics or other defining characteristics, subscribes to the notion that an effective transportation strategy needs to address all of these.

For purposes of the 2015 legislative session, however, the League has determined that its focus should be on the need to adequately and sustainably fund the maintenance and preservation of investments and facilities already in place.

## The League's Transportation Priority

The League of Oregon Cities will work with other stakeholders leading up to and during the 2015 session of the Oregon Legislative Assembly to gain passage of a comprehensive transportation package containing at least the following elements:

- An increase in the state gas tax of up to 5 cents per gallon;
- Indexing the state gas tax to the consumer price index or another relevant economic index;
- Expansion of the calculation method used for the state's transportation user fee to include vehicle miles traveled (VMT);
- An increase in license plate fees and inclusion of light-weight trailers;
- Continuing the dedication of the state's Highway Trust Fund dollars to highway, road and street projects;
- Continuing the allocation of the Highway Trust Fund dollars between the state, counties and cities at 50%-30%-20% respectively;
- An increase in the statutory "Small City Allotment" fund from \$1 million to \$5 million annually, split evenly between the Oregon Department of Transportation and the cities' share of the trust fund;
- No pre-emption of local government ability to generate their own transportation revenues; and
- Funding for the voluntary jurisdictional transfer and maintenance of "orphan highways" (state highways or county roads that function as city streets).

## The Prospects for Passage

Of course, it is premature to try to forecast a legislative outcome for a transportation package. There are many stakeholders with a variety of agendas. Fortunately, most of them have joined together in a collective effort under the auspices of the Oregon Transportation Forum (OTF). The sheer magnitude of the need and the diversity of interests seeking attention in a comprehensive piece of legislation creates its own challenges. While certain key legislators have already been involved in the process of package development, the political calculus in Salem remains unknown for the time being. The other unknown, of course, is the appetite of the citizens of Oregon for the funding and policy measures that might be proposed. ■

# Who Pays for It?

## A Primer on Funding for Oregon’s Highways, Roads and Streets

By Victor Dodier

Oregon pays for the construction, maintenance and operation of highway, road and street infrastructure, including bicycle and pedestrian improvements that are within rights of way, through a variety of methods. The State Highway Fund is the most important single source. It is a shared resource for the state highway program, county roads and city streets.

### Revenue Sources

User charges (fuel taxes, weight-mile taxes on trucks, vehicle registration and title fees, and driver license fees) and federal funds pay for the construction, maintenance and operation of Oregon’s road system. The taxes and fees collected by the state are shared with Oregon cities and counties and are constitutionally dedicated for use on highways. The state does not use general funds to finance highway improvements.

State tax rates (fuel taxes, registration and title fees, and weight-mile taxes) are set by statute. The Oregon Constitution (Section 3(a), Article IX) requires adjustment of tax rates to ensure fairness and proportionality between classes of vehicles. State economists perform a biennial highway cost allocation study to determine how the burden of highway expenditures should be shared between cars and trucks, and between different types and weights of trucks. The study determines proper balance of tax rates between classes of highway users but does not attempt to determine appropriate levels of total revenue. Study results are presented to the House and Senate Committees on Revenue, which then determine what, if any, legislative action is appropriate.

The graph on the right shows anticipated revenue for the 2013-2015 biennium after subtracting collection costs and transfers, but before distribution to cities and counties and set-asides for debt service.

### City and County Share

The next graph shows forecast distribution to cities, counties and the state highway program after set-asides for debt service for the 2013-2015 biennium. The distribution is made using statutory formulas.

Funds are distributed to individual cities in proportion to population. Funds are distributed to counties in proportion to the number of vehicles registered in each county.

2013 - 2015 State Highway Fund Revenue (\$ millions)



Note: Revenue is equal to gross revenue by source minus collection costs, central services assessments and source transfers

Source: December 2013 Transportation Economic and Revenue Forecast

### Local Funding Variation

Roughly one-half of all local highway revenue used by cities and counties comes from the distribution of the state Highway Fund as shown above. However, the mix of state, local and federal money used by individual cities and counties varies significantly. The remainder of local road revenue is locally generated or of federal origin.

Local sources of road revenue include property taxes; system development charges; traffic impact fees; maintenance fees; parking fees and fines; lodging taxes; franchise fees; accrued interest; city fuel taxes (Astoria, Canby, Coburg, Coquille, Cottage Grove, Dundee, Eugene, Hood River, Milwaukie, Newport, Oakridge, Pendleton, Sandy, Sisters, Springfield, Stanfield, The Dalles, Tigard, Tillamook, Veneta, Warrenton and Woodburn); and county fuel taxes (Multnomah and Washington counties).

## 2013-15 Biennium Revenue by Allocation (\$ millions)



*Note: Amounts allocated are equal to gross revenue minus collection costs, central services assessments, total transfers, set asides and debt service*

*Source: December 2013 Transportation Economic and Revenue Forecast*

### Federal Funds

Most states, including Oregon, depend on federal funds for a significant portion of their highway revenue. Oregon’s legislatively adopted budget for the state highway system for the 2013-2015 biennium is 77 percent state revenue and bond proceeds and 23 percent federal revenue. Federal highway funds are derived mainly from an 18.4-cent federal gas tax, a 24.4-cent diesel tax, and other fees on heavy trucks.

Federal transportation programs are typically multi-year authorization bills. The most recent authorizing bill, Moving Ahead for Progress in the 21st Century (MAP-21), was enacted in 2012 and will expire May 31, 2015 unless Congress extends it. Federal funding comes primarily from a formula program. In the past, some funding came to Oregon in the form of congressional earmarks. However, Congress currently is not making earmarks. The U.S. Department of Transportation is making federal discretionary funds available from time to time (e.g., TIGER grants).

The federal Highway Trust Fund is taking in substantially less than it is paying out for highway and transit projects. As a result, the Highway Trust Fund will exhaust its balances sometime on or before May 2015. In addition to extending MAP-21, Congress is considering how to address the imbalance between revenues and payouts by finding additional resources for transportation or by cutting the federal highway and transit programs by about one-third.

### Unmet Needs – A Continuing Issue

The Oregon Transportation Plan was approved by the Oregon Transportation Commission in September 2006. The plan’s needs analysis identified an approximately \$1.3 billion (in 2004 dollars) annual gap in the funding needed to adequately maintain and expand the publicly-funded transportation modes over the 2005 to 2030 timeframe. The road component of the gap was estimated to be between \$770 million and \$970 million (2004 dollars).

Recent work shows that the Oregon Transportation Plan gap analysis significantly underestimates unmet needs at all levels. The League’s 2014 City Street Needs Survey estimates that cities face a \$300 million annual gap, while a recent survey by the Association of Oregon Counties shows a \$500-plus million annual gap. These estimates far exceed the local government share of the 2004 gap estimate of between \$280 million and \$480 million.

Unmet needs at the state highway level are also significant. ODOT’s recent economic analysis indicates that an additional \$400 million per year would be needed to maintain state highway pavements and bridges in their current good condition.

*Mr. Dodier is a legislative policy analyst for the Oregon Department of Transportation.* ■



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# Oregon Needs to Invest in a Multi-Modal System

By Andy Cotugno

Oregon is rich with diversity: in geography, in demographics, in lifestyles and in its economic base. And, when it comes to how people and goods get around in these communities and economic sectors, we know there is no “one size fits all” solution. That’s why it’s essential we create a truly multi-modal transportation system across Oregon, investing in all modes at the level most appropriate to each community.

## A Multitude of Benefits

Multi-modal transportation investments do more than move people and goods around. They also build strong, stable communities. They give businesses access to labor, materials and customers, locally and globally. They get kids safely to school. They give young adults access to jobs and livelihoods. They provide a bus so that seniors can reach the doctor and run errands. They give households the choice to own one fewer car because there are other options to get around.

Our investments are a choice about the kind of community we want to create. “Main Street” through downtown can be pleasant and inviting to customers, or a noisy, polluted thoroughfare. Residential neighborhoods can make bicycling or walking to stores and schools easy, or force residents to drive to reach anything. High capacity transit in metropolitan areas takes pressure off highways. Passenger rail service supports business and recreation trips for those who cannot or choose not to drive. Highway improvements move high volumes of cars and trucks more efficiently, while streets through communities should be good neighbors with homes and businesses.

Multi-modal investments are essential to the movement of goods and services throughout Oregon’s economy. Items residents purchase in the grocery or hardware store may arrive in Oregon by ship or railroad car, but they reach the store by truck. Oregon’s lumber and agriculture products may leave the farm or forest by truck but get transferred to trains crossing the continent and ships crossing the ocean. High-value electronic devices may leave Oregon’s factories by van but jet off to global destinations from PDX.

Finally, multi-modal investments save lives and help Oregon meet its goals to reduce greenhouse gas emissions. A transportation system that facilitates, rather than thwarts, biking and walking allows people to have a more active lifestyle and enjoy better health. Reducing auto-related air pollution pro-

vides relief to those prone to asthma, especially the young and the elderly. And because multi-modal investments make our roads and streets safer for everyone, they save lives and avoid injuries—no matter how we get around.

## Making the Investment

Investing in highways and freeways at the expense of transit, bicycling and walking is folly. On the other hand, deferring highway projects to focus on non-highway projects is like robbing Peter to pay Paul. Similarly short-sighted is solely investing in maintaining the existing transportation system while ignoring Oregon’s changing needs. Oregon’s residents, communities and economy need investment in a multi-modal transportation system that takes care of what we have while improving the right modes in the right place for the future.

If you care about communities throughout Oregon, then you should care about a comprehensive approach to multi-modal transportation funding. Sadly, today’s options are not sufficient.

Let’s examine the methods available for funding multi-modal transportation systems:

- **State Highway Trust Fund** – Deposits are made to the State Highway Trust Fund from gas and diesel taxes, vehicle titles and registration fees, truck weight-mile taxes and other vehicle-related fees and taxes. The Highway Trust Fund provides the funding foundation for the state’s road system. The Oregon Department of Transportation uses it for the state and interstate highway system, and cities and counties use it for roads, streets, sidewalks and bike lanes. However, as the cost of labor and materials increases and auto fuel economy improves, the Highway Trust Fund is in decline. It can’t meet ongoing operations and maintenance needs, much less fund improvements to the system. In addition, the Highway Trust Fund is not comprehensively multi-modal, because Oregon’s constitution limits its use to the road right of way. As such, a different source is needed to fund transit and trails.





“ Oregon's residents, communities and economy need investment in a multi-modal transportation system that takes care of what we have while improving the right modes in the right place for the future. ”

- **Local Funds** – Many local governments supplement the Highway Trust Fund with their own funding approaches. In Oregon, these include local gas and diesel taxes, local vehicle registration fees, local street utility fees, local property taxes and urban renewal funding. These vary widely, and not every local jurisdiction is able to raise new fees and taxes.
- **Transit Funding** – Transit, especially operations, is predominantly funded through local sources, usually a payroll tax on employers and/or a property tax. This foundation is supplemented modestly with state sources.
- **Federal Funds** – The federal government funds transportation through the Highway Trust Fund and its general fund. The federal trust fund does not have the same restriction limiting its use to improvements within the road right of way and is distributed to states and localities for multi-modal improvements. Federal highway funds are predominantly targeted toward multi-modal investments associated with Oregon's biggest highways. A portion of the fund can be “flexed” for multi-modal improvements outside this system, including city streets, county roads, sidewalks, bike facilities,

*(continued on page 16)*



## TRANSPORTATION FUNDING – A CITY PRIORITY

trails, and bus and rail transit. Federal general funds are provided on a competitive basis for expansion of bus and rail high capacity transit facilities.

### Finding New Solutions

Oregon needs to build on this base so we can maintain and operate our existing system but also expand and improve our multi-modal investments. But how? The options are limited to three basic methods, and we need all of them:

- Raise traditional road fees and taxes on cars and trucks to adequately fund roads and streets, including features within the right of way to safely accommodate pedestrians, bikes and transit;
- With an adequate state-based funding foundation for the road system, maximize the “flexing” of funding received from the Federal Highway Trust Fund for non-highway multi-modal purposes; and
- Commit state general funds (including lottery funds) to multi-modal improvements that can’t be funded by the first two.

Even with these actions, the state and federal governments are never going to be able to fully fund the kind of multi-modal transportation system we need. Regions and local governments need to raise their own revenue if they expect to more fully meet their goals for livability, health and prosperity.

Funding is always a tough conversation. No solution is easy. But we have seen time and time again—in the quality of our communities, the health of Oregonians and the strength of our economy—that multi-modal investments will pay off many times over. These are the kinds of returns on investment our



“Regions and local governments need to raise their own revenue if they expect to more fully meet their goals for livability, health and prosperity.”

residents expect. They’re the kinds of returns that should give us courage to find new funding and make the multi-modal investments Oregon demands.

Mr. Cotugno is a senior policy advisor for Metro. ■



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# Local Tools Available to Cities

By Craig Honeyman, LOC Legislative Director

Oregon cities have authority to tap local revenue sources to help address the growing backlog of road and street maintenance and preservation projects. While most cities rely on the declining (both in terms of gross dollars and purchasing power) state gas tax as their main (or only) source of street funding, other tools are available.

## Local Gas Tax

Chief among the available local tools is the local gas tax, which is currently levied by 22 cities in Oregon (Astoria, Canby, Coburg, Coquille, Cottage Grove, Dundee, Eugene, Hood River, Milwaukie, Newport, Oakridge, Pendleton, Sandy, Sisters, Springfield, Stanfield, The Dalles, Tigard, Tillamook, Veneta, Warrenton and Woodburn).

While proposing any new or increased tax is always a dicey political proposition, current statute (pursuant to the Jobs and Transportation Act of 2009) requires a vote of the citizens of a city to approve a local gas tax. While it is often difficult to estimate the amount of revenue a city will collect under a local gas tax, it has proven to be a significant source of revenue for those cities that have enacted them.

Typically locally levied gas taxes are in the 3 cents per gallon range, with the low being 1 cent and the high being 5 cents. It is important to note that Article IX, Section 3a. of the Oregon Constitution requires that all revenues derived from a gas tax (state or local) must be used “exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and roadside rest areas ...”

For more information on implementing local gas taxes, go to the A to Z section of the LOC website ([www.orcities.org](http://www.orcities.org)), and click on Gas Taxes, Local.

## Transportation Utility Fee

Given the stagnation of state and local gas taxes due to improvements in technology and fewer road miles being traveled, cities may want to consider other options, including a

transportation utility fee (TUF). Also referred to as street user fees, road maintenance fees, etc., these typically appear as assessments on utility bills of water/sewer customers with the revenue being dedicated for city transportation infrastructure projects. Currently 30 cities in Oregon have implemented TUFs (Ashland, Bay City, Brookings, Canby, Central Point, Corvallis, Eagle Point, Florence, Grants Pass, Hillsboro, Hubbard, La Grande, Lake Oswego, Medford, Milwaukie, Myrtle Creek, North Plains, Oregon City, Philomath, Phoenix, Sherwood, Silverton, Stayton, Talent, Tigard, Toledo, Tualatin, West Linn, Wilsonville and Wood Village).

Unlike local gas taxes, TUFs can be enacted by ordinance and the purposes for which the revenues may be used are not restricted. The basis for the assessment of the fee varies among cities. Some use a flat fee, and others use a more complicated trip generation methodology. Like local gas taxes, the levying of TUFs can generate controversy and political tension.

For more information on implementing transportation utility fees go to the A to Z section of the League’s website ([www.orcities.org](http://www.orcities.org)), and click on Transportation Utility Fees.

## Other Tools

Although local gas taxes and transportation utility fees are the principle measures by which cities supplement state and federal funding, there are other tools as well. These include property taxes (to the extent that they are not already obligated), systems development charges, traffic impact fees, maintenance fees, parking fees and fines, lodging taxes, and franchise fees.

Given growing uncertainty over the appetite of state legislators and members of Congress to keep pace with ever-increasing transportation infrastructure funding needs in the face of declining revenues, cities may want to consider the usefulness of becoming more self-reliant in their management of street assets. While not always a popular notion and demanding of political courage, sometimes the best solutions are local solutions. ■

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# Our Values & Beliefs: Creating Alignment in Transportation Decisions

By Chris Hagerbaumer

A recent survey of Oregonians' values and beliefs<sup>1</sup> confirms that no matter where you live in Oregon, you most likely value clean air and water, our state's natural beauty and outdoor recreation opportunities, and conservation of farm and forestland.

Cities have a lot to do with how we preserve this legacy. Decisions about transportation play a significant role in protecting air and water quality, combatting climate change, increasing resiliency to natural disasters, and supporting the compact urban development necessary for some of the state's key economic engines—agriculture, forestry and tourism.

In the survey, Oregonians also indicated they believe taking personal responsibility for a good lifestyle is important for one's health. Interestingly, health experts—from the Centers for Disease Control to the Oregon Health Authority and county health departments—are now confirming that the way communities are designed and laid out (either helping or hindering residents' ability to walk or bike) greatly impacts the number of people with such chronic diseases as diabetes, cancer and heart disease. Safe streets, sidewalks and bikeways make it easier for people make healthy lifestyle choices.

To support healthy living, reduce household transportation costs, protect the environment and create jobs, the following is a prescription for Oregon's cities.

## **Provide choices for affordable, convenient, reliable and safe ways to get around.**

One in four Oregonians can't drive due to age or disability. Many others can't afford a car. And most of us want transportation options so that not every trip has to be behind the wheel of an automobile. The values and beliefs survey found that a majority of Oregonians support investment in public transit over investment in more roads for cars.

## **Develop smart, using land as wisely as possible.**

Create neighborhoods where residents can easily access daily destinations like grocery stores, schools and parks within 20 minutes by foot or bicycle. Keep urban growth boundaries tight to reduce infrastructure costs while protecting farm and forestlands.



“The way communities are designed and laid out greatly impacts the number of people with such chronic diseases as diabetes, cancer and heart disease.”

## **Design streets and parking lots to keep contaminated roadway runoff out of our rivers and streams.**

In most urban areas, there's more space for cars (roads, parking lots and driveways) than humans (buildings and sidewalks)<sup>2</sup>. Because auto infrastructure makes up such a sizable portion of the impervious surface in cities, a new revolution in “green streets” uses innovative infrastructure to capture, absorb and clean stormwater runoff. The Oregon Environmental Council is currently working with several cities to develop a Low-Impact Development Guide for Western Oregon.

## **Support fuel-efficient vehicles and clean fuels.**

From Grants Pass to Arlington, Oregon cities are installing electric vehicle charging stations. Local governments are also taking advantage of a myriad of lower-cost, lower-carbon fuels.

Medford's compressed natural gas street sweeper achieves 3.7 m.p.g. compared to the 1.87 m.p.g. diesel sweeper it replaced, saving \$6,000 in the first six months<sup>3</sup>. By converting its patrol cars to propane, the Polk County sheriff's

<sup>1</sup> DHM Research and Policy Interactive Research, Oregon Values and Beliefs Project, 2013. [www.oregonvaluesproject.org](http://www.oregonvaluesproject.org)

<sup>2</sup> Clean Water Services, Healthy Streams Plan, 2005. [www.cleanwaterservices.org](http://www.cleanwaterservices.org)

<sup>3</sup> Rogue Valley Clean Cities Coalition presentation, 2012. [www.roguevalley-cleancities.org](http://www.roguevalley-cleancities.org)



office saved the job of one full-time sheriff deputy<sup>4</sup>. Local government public procurement policies can also encourage contractors to use cleaner construction equipment and vehicles.

**Make climate-friendly transportation decisions.**

Oregonians care about climate change. The values and beliefs survey found that Oregonians believe by more than a 3:1 ratio that we need to change our lifestyle (like driving less and living more simply) and not wait to deal with climate change later. This response held true across Oregon, with a 2:1 ratio in Eastern Oregon. Because transportation produces nearly 40 percent of the state's greenhouse gas emissions, state

legislation requires the Portland metro region and encourages Oregon's other major metropolitan areas to reduce these heat-trapping emissions over time. The Oregon Department of Transportation has developed a Greenhouse Gas Emissions Reduction Toolkit<sup>5</sup> to help all local jurisdictions, big or small, explore the kinds of actions and programs they can undertake to protect our climate. Most of these tools provide a multitude of benefits, including better air quality.

**Spread the benefits.**

Some neighborhoods suffer from historic underinvestment. Another recent study found that the pedestrian death rate in the Portland metro area is 2.3 times greater in higher poverty areas.<sup>6</sup> This is due, in large part, to a lack of investment in sidewalks and safe pedestrian crossings in these neighborhoods. To reduce these inequities, Portland needs to involve lower-income neighborhoods in identifying the worst safety issues and focus its funds on fixing their problems first.

**Put people to work.**

Compared to road building, more jobs are created per dollar spent—especially for local residents and businesses—when government invests in public transit operations and in building sidewalks and bikeways<sup>7</sup>.

No matter how big or small, your community will benefit from policies and practices that help residents live, work, play and prosper in a way that also protects the planet and its people.

*Ms. Hagerbaumer is the deputy director for the Oregon Environmental Council.* ■

4 Blue Star Gas Case Study: Polk County Sheriff's Office, 2013. [www.bluestar-gas.com/sites/default/files/BSG-AAG\\_Case\\_Study\\_Polk\\_County.pdf](http://www.bluestar-gas.com/sites/default/files/BSG-AAG_Case_Study_Polk_County.pdf)  
 5 ODOT, Greenhouse Gas Emissions Reduction Toolkit. [www.oregon.gov/odot/td/ip/pages/ghgtoolkit.aspx](http://www.oregon.gov/odot/td/ip/pages/ghgtoolkit.aspx)  
 6 Governing, "Pedestrians Dying at Disproportionate Rates in America's Poorer Neighborhoods," 2014. [www.governing.com/topics/public-justice-safety/gov-pedestrian-deaths-analysis.html](http://www.governing.com/topics/public-justice-safety/gov-pedestrian-deaths-analysis.html)  
 7 Political Economy Research Institute, Pedestrian and Bicycle Infrastructure: A National Study of Employment Impacts, 2011. <http://goo.gl/H6pAm5> and American Public Transportation Association, Economic Impact of Public Transportation Investment, 2009. <http://goo.gl/mXB1G8>



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# Portland Prioritizes Maintenance, Safety Needs for Transportation

By Mayor Charlie Hales

For too long, the streets of Oregon's largest city have withered under the wear and tear caused by population growth and years of deferred maintenance. Now, almost half of our busiest streets are rated in "poor" or "very poor" condition. We still have many neighborhoods where people don't feel safe walking to a bus for lack of sidewalks and safe crossings.

We've talked about this for decades here in Portland. And while we have talked, 28 other Oregon cities have enacted street fees.

The time has come for Portland to act.

And act we must, because as city government leaders across Oregon know, transportation funding has been short for decades. The last time the federal gas tax was raised, Beanie Babies were the popular toy. That was 1993, when the gas tax was increased to 18.3 cents per gallon. If it had been adjusted for inflation over the years, the U.S. gas tax would be 30 cents today.

Not only has the federal gas tax not kept up with inflation, it hasn't kept up with the demands of technology and our growing population. An audit by Oregon Secretary of State Kate Brown's office this summer reported the trend toward fuel-efficient cars is reducing the gas tax revenue traditionally used to pay for transportation. Young people are less interested in driving than prior generations. As our cities grow, people expect public transit and safe bicycle options to get where they need to go.

When Oregonians consume less gas, they pay less into the system that maintains the streets they rely on. The state constitution prohibits us from spending gas tax dollars on public transit and many of the other needs of modern cities.

The city of Portland supported the Legislature's approval of gas tax and vehicle registration increases in 2009. While helpful, the city's share was just enough to cover the debt service on our contribution to replacing the Sellwood Bridge, a regional asset.

Before making the case for transportation funding with the public, City Commissioner Steve Novick and I agreed that we should do everything we can to make the city's transportation operations as efficient as possible.

We promised to repave 100 lane miles of city streets. With the help of a new technique called fog sealing, we exceeded that



goal. We are replacing street lights with energy-efficient LED bulbs, which will save millions of dollars in the long-term and reduce energy. We're working with public and private utilities to improve coordination, which will reduce the number of times we cut into streets and help prevent further deterioration.

When it comes to transportation funding, efficiency is clearly not enough. We need a new revenue source. That's where the Our Streets PDX effort comes in.

In January, I worked with Commissioner Novick, who oversees transportation, to engage the public in a conversation about transportation funding. We formed the Transportation Needs and Funding Advisory Committee, a diverse group of community and business leaders who are knowledgeable about the issue and the community's priorities for transportation.

After five months of town halls and press conferences, we proposed a transportation user fee that was very similar to the fee that so many Oregon cities charge. Portlanders said they were concerned, however, that a low-income discount didn't do enough to protect those who are least able to pay. They said we should do more to protect small businesses, and see if we can reduce the impact on non-profits and public institutions.

So in July we formed two additional work groups, one focused on business and one for non-profits and low-income residents. They met with our transportation and finance staff all summer and into the fall, poring over city financial information and considering a wide variety of scenarios for how to raise revenue.

*(continued on next page)*

The work groups didn't reach consensus on everything, but they did come up with a very fair, Portland-like approach. They recommend a residential income tax that minimizes the impact on low-income households. They devised a business fee with a cap of \$120 a month that charges businesses directly—not going through the water customer, which might only reach a landlord. It provides lower rates for small businesses, which are such an important driver of our economy and neighborhood sustainability.

The council continues to refine the proposal, and I expect we will have final approval of new revenue this fall. We have come away with a much better product than we started with;

one that provides revenue for street maintenance and safety improvements without being overly burdensome.

I'll emphasize that this package would pay only part of the cost of street maintenance. We're still counting on the state Legislature to adopt a bill in 2015 to help properly fund our roads. We're still counting on the federal government to pass legislation to raise the gas tax.

We are doing our part, as difficult as that is. With help from state and federal governments, our local efforts will begin to turn the tide of a degrading system, and rebuild it into the world-class network our city—and state—deserve. ■

## Street Needs in John Day

By Mayor Ron Lundbom

Since 2000, cities within Grant County have relied on the Secure Rural Schools (SRS) and the Community Self-Determination Act (county payments) for local street funding. Prior to that, cities relied on timber receipts.

Grant County shares its SRS funds with cities using a formula that is based on population and road miles. However, there have been years when the county court decided not to share its SRS funds. The only other substantial revenue the city of John Day receives for its street fund is from the state gas tax. In fiscal year 2013-2014, the city's share of the state gas tax was \$91,869. Expenses for personnel services alone totaled \$94,985. The state gasoline tax is not enough to even fund our personnel services within the street fund budget, let alone materials and services.

Last fiscal year, the city spent \$37,941 from the street fund on materials and services. New construction cannot be considered in the budget process. John Day now relies on grants for all capital street improvement projects. The city received an Oregon Department of Transportation (ODOT) enhancement grant for our downtown improvements project, which is currently under construction. In order to pay the required



John Day's downtown improvement project, made possible by a Downtown Transportation Enhancement Grant.

10.27 percent grant match, we applied for and received a \$50,000 ODOT small cities allotment grant, used SRS funds from the county and provided some in-kind work by our public works department.

In order to reduce street maintenance costs, the public works department has reduced snow plowing priorities which results in safety issues. We have not replaced two utility worker positions due to current budget constraints. We have cut back on most aspects of street maintenance (i.e. striping, painting of curb lines, sign maintenance etc.).

Of the 12.9 miles of certified public street and road mileage in John Day it is estimated that over two miles are gravel and another two miles that are oil mat. Of the remaining 8.9 miles, four are in need of major repairs due to drainage problems, need subsurface infrastructure replacement or generally do not meet city standards. In conclusion, more than 50 percent of our city streets are not in compliance with our adopted transportation system plan. ■



John Day city street in need of repair

# A Band Aid on a Broken Arm – Street Maintenance Challenges in Coos Bay

By Mayor Crystal Shoji

Streets are a vital component of city infrastructure, affecting citizen attitudes and city livability. They are the most visible infrastructure network in a city, and negative street conditions adversely impact economic development opportunities. Concerned citizens contact city hall about potholes and/or failing streets approximately once a week in Coos Bay. Our streets are in bad shape, and, frankly, if I were not busy with mayoral duties, I might place such a call myself.

Coos Bay has 167 lane miles of streets, of which 130 lane miles are asphalt, 14 lane miles are concrete, and the remaining lane miles are gravel. Some of our concrete streets are nearly 100 years old and, at the time of their construction, were a vast improvement to the former wooden streets in our coastal community. (Before wooden streets, Coos Bay's citizens traveled by boat on tidewater highways, but that is a story for our new maritime museum to share.)

Just a little over a decade ago, consultants retained by the city completed a comprehensive pavement evaluation. Their report revealed that 44 percent of the city's street network was in "good" condition, 21 percent "satisfactory," 11 percent "fair," and 24 percent "poor." Unfortunately, these negative street conditions have only worsened since the study. The desire to improve the streets exists, but the financial resources to do so are lacking.

Currently Coos Bay's only source of street maintenance funding is the state gasoline tax. Most of us are aware that revenues from the gas tax have not kept pace with inflation. Additionally, people are buying less fuel (more fuel efficient cars) each year. Gas tax revenues have fallen behind the costs of materials, energy and labor that are needed to maintain the streets.

This year, the city of Coos Bay budgeted to receive \$880,000 in gas tax revenue. Of that amount nearly 32 percent (more than \$281,000) will be spent just to keep the city's street lamps on at night, and to keep traffic signals in working order. After subtracting the cost associated with routine street sweeping, striping, crosswalk maintenance, sign maintenance, vegetation maintenance, grading gravel roads, and personnel costs etc., Coos Bay is left with less than \$50,000 for street repair. We are left chasing pot holes—"a band aid on a broken arm."

Citizens often ask, "why can't we use property taxes to fix the streets?" They are surprised to learn that all of the collected property taxes are insufficient to even pay for the police and fire services provided by the city.

Last year, the city formed a Streets Task Force, made up of local business owners and neighborhood representatives. The task force studied the city's transportation infrastructure issues and made several recommendations. Their first was to update the 2002 streets condition assessment. The council agreed to do so in order to prioritize needs and estimate costs.

The Streets Task Force also recommended generating local revenues to pay for the improvements. Specific recommendations included creation of a transportation utility fee; asking the voters to adopt a local gasoline tax; increasing franchise fees where possible, dedicating those funds to street repairs; and asking voters to consider a general obligation bond for identified projects.

Charging new fees or obtaining approval for a new tax won't be easy. But saving our investment and improving streets is a necessity for our city's future. ■



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# Oregon Transportation Forum Developing 2015 Transportation Package

By Craig Campbell

The Oregon Transportation Forum (OTF) is a membership organization comprised of a wide variety of multi-modal transportation stakeholders—governments, businesses, trade associations, and land use and environmental interests. Over the past year, the OTF has been engaged in a process that is likely to result in the development of a package of transportation policy and funding proposals for consideration by the Legislature in 2015—and perhaps beyond.

While, as of this writing, the final scope and content of the proposal remains a work in progress, it is the goal of the OTF to present a comprehensive package of proposals. This is important given the commitment of the OTF to deal with the state's transportation infrastructure needs as an interconnected system as well as the reality that its membership brings a wide variety of transportation agendas to the discussion.

There is no single solution to deal with our transportation challenges, nor do the proposals that the OTF is working on pretend to be a full response. Rather, they are a step forward in what is likely to become a broader and longer-term discussion about transportation infrastructure investment. Indeed, the governor has signaled his interest in convening that discussion, but acknowledges that, notwithstanding near-term steps that could and should be taken, his longer-term, higher level analysis indicates that there will not be a focus on proposals for the 2015 legislative process. Instead, the governor will be relying upon the OTF to make short-term recommendations.

With the caveat that final decisions about the specific content of an OTF legislative package has yet to be finalized, the OTF has developed the following menu of potential elements of a legislative package during its year-long process.

## Goals

- Put Oregonians to work creating multi-modal transportation networks which connect people to their jobs, attracts new talent and allows the state's economy to compete on a global scale.
- Address costly and time-consuming freight bottlenecks and improve connections to ports and freight yards to better serve agriculture, forestry manufacturing and other key Oregon industries.
- Keep goods and people moving safely and reliably and maintain the transportation system in a state of good repair while increasing its resiliency to natural disasters.
- Improve public health and air quality by making neighborhoods walkable and bikeable, and improving access to transit.



- Serve all Oregonians regardless of age, race, disability, income level or location.
- Reduce transportation-related pollution, preserve our natural environment and make the system more resilient to the impacts of climate change.

## Principles

- **Fund all modes** – to move passengers and freight in support of economic prosperity, community livability and environmental quality.
- **Fix it first** – prioritize the maintenance, rehabilitation and operation of existing transportation facilities.
- **Provide reliable funding** – increase the predictability of revenues in support of ongoing road operations and maintenance as well as for transit service.
- **Share costs fairly** – raise revenues from system users based on benefits they derive or the costs they impose on the system.
- **Preserve local options** – remove existing restrictions on local and regional revenue-raising authority and avoid enacting new limitations or pre-emptions.

## Elements

### Maintenance

1. Increase funds to safely operate and maintain the existing transportation system with improved reliability and efficiency using the following by:

(continued on page 24)

## TRANSPORTATION FUNDING – A CITY PRIORITY

- Indexing taxes and fees to some standard that prevents the loss of revenue and purchasing power of state highway funds.
  - Increasing the gas tax and registration fees and implementing a reformed fee structure (as recommended in the 2013 Oregon Department of Motor Vehicles Cost of Services Study).
2. Provide additional funding for Cascades AMTRAK service to cover the loss of federal and state funds.
  3. Provide additional state funding for elderly and disabled transit service.

### Modernization

1. Increase funding for distribution to the state in support of projects of statewide significance and for enhancement projects managed by cities, counties and regional organizations such as Metropolitan Planning Organizations (MPOs) and/or Area Commissions on Transportation (ACTs).
2. Increase ConnectOregon multi-modal funding using lottery bonds in the 2015-2017 biennium.
3. Establish a dedicated Multi-Modal Trust Fund analogous to the State Highway Trust Fund, using lottery dollars.
4. Provide additional funding to facilitate the transfer of road miles between the Oregon Department of Transportation (ODOT) and local governments to better align ownership and management responsibilities.

### Policy and Planning

1. Develop a 10-year multi-modal needs assessment to establish and quantify the operational maintenance and improvement needs of the transportation system statewide.
2. Recommend that state transportation planning efforts include findings about the interconnectivity of modes in order to maximize the efficient use of resources.
3. Incentivize the co-location of ODOT and local government road maintenance facilities as appropriate.

Again, it is important to note that, as of this writing, the “elements” as described above are still being negotiated by the OTF membership and may or may not become part of the organization’s legislative proposal.

*Mr. Campbell is the president of the Oregon Transportation Forum.* ■

## ACHIEVE MORE



**Brad Rafish,**  
Partner



**Rob Moody,**  
Partner



**Cinnamon Williams,**  
Manager



**Rachel Swanson,**  
Senior Auditor



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**MINUTES OF THE REGULAR MEETING  
OF THE ROSEBURG CITY COUNCIL  
April 25, 2016**

Mayor Larry Rich called the regular meeting of the Roseburg City Council to order at 7:00 p.m. on Monday, April 25, 2016, in the City Hall Council Chambers, 900 SE Douglas, Roseburg, Oregon. Councilor Fazio led the Pledge of Allegiance.

ROLL CALL

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

Absent: Councilors Alison Eggers and 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 and Troy Brynelson of The News Review.

MAYOR REPORTS

Rich proclaimed May as "Historic Preservation Month." Davis shared gratitude from the Historic Resources Review Commission for the proclamation.

April 29, 2016 was proclaimed as "Arbor Day." Messenger indicated that the proclamation brought Roseburg one step closer to be proclaimed a "Tree City USA."

COMMISSION/COUNCIL WARD REPORTS

Zielinski reported on the Police K-9 demonstrations held over the weekend.

McDonald noted the Airport Commission did not have a quorum for their meeting, but those present unanimously supported the lease assignment included on the agenda. Additionally, they discussed making the airport self-sustaining. He reported on his participation in the "Walk a Mile in Her Shoes" parade, the Veterans Day Parade Committee meetings and an invitation to a Memorial Day event at the Roseburg VA Cemetery Annex at 11:00 a.m.

Ryan reported on his attendance at the dedication for the "Purple Heart Highway" which extends from California to Portland.

AUDIENCE PARTICIPATION

Phil Benedetti, 1685 NW Avery discussed neighborhood concerns regarding a proposed cell tower to be constructed on the Bailey property abutting Sunberry and requested the City provide administrative and legal assistance to the neighborhood and perhaps adopt an ordinance disallowing cell towers within a setback area from the City boundaries. David Reeck, 2090 NW Excello, shared a visual of what the 107 foot tower would look like from his home and noted the anticipated noise from the diesel generator.

Colley stated that the proposed tower location is outside the City limits and outside the Urban Growth Boundary. Therefore, the City of Roseburg has no jurisdiction over its development.

The City has been granted party status by Douglas County which is considering the tower application administratively. That administrative decision is appealable to the Douglas County Commissioners and the Land Use Board of Appeals. Staff will monitor the situation and keep Council advised of any County decisions. Zielinski pointed out that the proposal impacts her property as well and thanked her neighbors for sharing their concerns.

#### CONSENT AGENDA

Ryan moved to approve the following Consent Agenda items (excluding Item E – Lease Assignment):

- A. Minutes of the April 11, 2016 regular meeting.
- B. 2016 annual OLCC license renewals.
- C. OLCC Ownership Change, Knok Knok Lounge, 1969 SE Stephens.
- D. Purchase of two 5-7 yard dump trucks from DSU Peterbilt & GMC for \$184,554 with trade-in.

Motion was seconded by Marks and carried unanimously.

#### CONSENT AGENDA ITEM E - ASSIGNMENT OF AVIATION SUITES LEASE

Colley reported the lease is for the 3000+ square feet of land for Aviation Suites. The City has no interest in the building itself, and the annual lease payment is less than \$1,000. The lease has been rewritten once and assigned multiple times since 1984 when it was originally executed. Kaser noted that although the current tenant is assigning the lease that party is responsible if the new tenant doesn't perform. McDonald moved to approve the assignment of the Aviation Suites ground lease from Pacific Housing Management to John Kittelman and Marilyn Kittelman. Motion was seconded by Ryan and carried unanimously.

#### PUBLIC HEARING – ANNEXATION, ZONE CHANGE AND WITHDRAWAL OF 1669 LOOKINGGLASS ROAD FROM FIRE DISTRICT NO. 2, ORDINANCE NO. 3463

At 7:30 p.m., Rich opened the public hearing regarding the annexation, zone change and withdrawal of 1669 W Lookingglass from Douglas County Fire District No. 2. The applicant was the only party and no ex-parte contacts were announced. Davis indicated the property is 0.76 acres at the western City limits. The zone designation would be City R-6, Single-Family Residential. He pointed out that page two of the ordinance includes language referencing a boundary line adjustment. That language needs to be stricken. As no one else wished to speak, the hearing was closed at 7:32 p.m.

Ryan moved to adopt the Findings of Fact approved by the Planning Commission for File Nos. AN-16-1 and ZC-16-1. Motion was seconded by Fazio and carried unanimously. Cox then read Ordinance No. 3463 for the first time entitled: An Ordinance Annexing 0.76 Acres of Property Commonly Known as 1669 W Lookingglass, Withdrawing the Property From Douglas County Fire District 2, and Amending the Roseburg Zoning Map.

#### ORDINANCE NO. 3460 – AMENDING TELECOMMUNICATIONS DEFINITIONS

Cox read Ordinance No. 3460 for the second time, entitled: An Ordinance Amending Roseburg Municipal Code Section 9.25.005 Regarding Definitions Relating to Telecommunications Providers. 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. 3460.

ORDINANCE NO. 3461 – RECREATIONAL MARIJUANA SALES TAX REFERRAL

Cox read Ordinance No. 3461 for the second time, entitled: An Ordinance Adding Chapter 9.17 to the Roseburg Municipal Code Establishing a Tax on the Sale of Marijuana by a Retailer Licensed by the Oregon Liquor Control Commission and Regulated Under Chapter 1, Oregon Laws 2015 (Measure 91), as Amended by Section 1, Chapter 614, Oregon Laws 2015 (HB 3400) and Referring the Ordinance to the Voters. Kaser moved to adopt the ordinance, seconded by McDonald. Roll call vote was taken and motion carried with Fazio voting nay. Rich proclaimed the adoption of Ordinance No. 3461. Fazio opposed the sales tax and believed it allowed the majority of people to tax a minority.

ORDINANCE NO. 3462 - TREE ORDINANCE

Cox read Ordinance No. 3462 for the second time, entitled: An Ordinance Adding Chapter 4.12 Regarding Tree Planting, Maintenance and Removal to the Roseburg Municipal Code. Ryan moved to adopt the ordinance, seconded by Zielinski. Roll call vote was taken and motion carried unanimously. Rich proclaimed the adoption of Ordinance No. 3462.

ORDINANCE NO. 3464 – PARKS AND RECREATION COMMISSION RESPONSIBILITIES

Messenger noted that as part of the Tree Ordinance, a Tree Board must be appointed. Therefore, an ordinance was prepared to assign that responsibility to the Parks and Recreation Commission. Cox read Ordinance No. 3464 for the first time, entitled: Amending Roseburg Municipal Code Subsection 2.24.020 to Add Serving as the City's Tree Board to the duties of the City of Roseburg's Parks and Recreation Commission.

WETLAND DEED RESTRICTION

Colley reported that the development of the Oakridge Apartments on Renann and Edenbower required the mitigation of wetlands in the vicinity of Edenbower and Aviation in the runway protection zone which cannot be developed. A private party is now proposing to build a commercial development in the Renann area. The Department of State Lands requires a deed restriction be placed on the mitigation site prior to development on the original site. Ryan moved to authorize the City Manager to execute and record a Declaration of Covenants and Restrictions and Access Easement for property located north of Edenbower Boulevard. Motion was seconded by Fazio and carried unanimously.

ITEMS FROM MAYOR, COUNCIL OR CITY MANAGER

Zielinski announced that a prescription drug turn in event will be held at Parkway Medical Center on Harvard on April 30<sup>th</sup> from 10:00 a.m. to 2:00 p.m. to dispose of unneeded and expired prescriptions. Medications can be brought into a collection box at any police department at any time.

Zielinski commended Fazio for volunteering to be tazed at the Citizen's Police Academy.

Kaser pointed out that the 2015 Water Quality Report was distributed and included information about the problem with lead in the water in Flint, Michigan. No problems exist with the City's system which provides excellent water.

Marks reported that he had opportunity to use the dog park for the first time and was impressed at how well the dogs played together and socialized. From the park he could see children playing in Micelli Park and people launching boats at Templin Beach. He stressed that such positive City services can be taken for granted.

Meeting adjourned at 7:48 p.m.



Debi Davidson  
Management Technician

etc  
4/27/16

# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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## OLCC APPLICATION-CHANGE OF OWNERSHIP COLONY MARKET

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**Meeting Date:** May 9, 2016  
**Department:** City Recorder  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

**Agenda Section:** Consent  
**Staff Contact:** Sheila Cox  
**Contact Telephone Number:** 492-6866

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### ISSUE STATEMENT AND SUMMARY

Roseburg Municipal Code Chapter 9.12 requires staff review of all applications submitted to the Oregon Liquor Control Commission for a license to sell alcoholic beverages within the City. Upon completion of staff review, the City Recorder is required to submit the application and a recommendation concerning endorsement to the Council for its consideration. Changes to existing licenses must be processed in the same manner.

### BACKGROUND

OLCC has received a change of ownership application for Colony Market located at 1612 NW Keasey. This is an "Off-Premises" sales license application submitted by Major Johal and Kamaljit Kaur.

- A. Council Action History.** Chapter 9.12 requires Council to make a recommendation to OLCC on the approval or denial of all liquor license applications submitted by any establishment located inside City limits.
- B. Analysis.** The Police Department conducted a background investigation on the applicant and found no reason to deny the application.
- C. Financial and/or Resource Considerations.** The applicant has paid the appropriate fee for City review of the application.
- D. Timing Issues.** The applicant is requesting endorsement from the Council for immediate submittal to OLCC.

### COUNCIL OPTIONS

Council may recommend OLCC approval of the application as submitted or recommend denial based on OLCC criteria.

### STAFF RECOMMENDATION

Staff recommends Council approval of the application as submitted.

**SUGGESTED MOTION**

*"I MOVE TO RECOMMEND APPROVAL OF THE OLCC CHANGE OF OWNERSHIP APPLICATION FOR THE COLONY MARKET LOCATED AT 1612 NW KEASEY."*

**ATTACHMENTS**

A. Subject Application

c: Applicant  
OLCC



# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

**LICENSE TYPES**

- Full On-Premises Sales (\$402.60/yr)
  - Commercial Establishment
  - Caterer
  - Passenger Carrier
  - Other Public Location
  - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
  - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: \_\_\_\_\_

**ACTIONS**

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other \_\_\_\_\_

**CITY AND COUNTY USE ONLY**

Date application received: \_\_\_\_\_

The City Council or County Commission:

(name of city or county)

recommends that this license be:

Granted  Denied

By: \_\_\_\_\_  
(signature) (date)

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

Title: \_\_\_\_\_

**OLCC USE ONLY**

Application Rec'd by: \_\_\_\_\_

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

90-day authority:  Yes  No

**90-DAY AUTHORITY**

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

**APPLYING AS:**

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① COLONY MARKET INC ③ \_\_\_\_\_  
② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): COLONY MARKET

3. Business Location: 1612 KEABEY ST ROSEBURG DOUGLAS OR 97471  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 711 SE DAK AVE ROSEBURG OR 97470  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: \_\_\_\_\_  
(phone) (fax)

6. Is the business at this location currently licensed by OLCC?  Yes  No

7. If yes to whom: JONATHAN'S GERGER Type of License: CONVENIENCE STORE

8. Former Business Name: \_\_\_\_\_

9. Will you have a manager?  Yes  No Name: MAJOR JOHAL  
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? ROSEBURG  
(name of city or county)

11. Contact person for this application: MAJOR S. JOHAL 541-580-4004  
(name) (phone number(s))  
380 HEARTWOOD LN ROSEBURG 541-671-7712  
(address) (e-mail address)  
529 7470 (fax number)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:  
① [Signature] Date 4-26-16 ③ \_\_\_\_\_ Date \_\_\_\_\_  
② Kamalykai Date \_\_\_\_\_ ④ \_\_\_\_\_ Date \_\_\_\_\_



## ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

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### DIVISION OF ASSETS/ASSUMPTION OF LIABILITIES AGREEMENT WITH DOUGLAS COUNTY FIRE DISTRICT #2

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**Meeting Date:** May 9, 2016  
**Department:** City Recorder  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

**Agenda Section:** CONSENT *SRC*  
**Staff Contact:** Sheila R. Cox  
**Contact Telephone Number:** 492-6866

#### ISSUE STATEMENT AND SUMMARY

Council will be considering approval of the Division of Assets/Assumption of Liabilities Intergovernmental Agreement with Douglas County Fire District #2.

#### BACKGROUND

**A. Council Action History.** In accordance with state law, when the City annexes property that is part of Douglas County Fire District #2, the property is also withdrawn from the District on the effective date of the annexation. When such annexation and withdrawal occurs, the City assumes liability for providing fire service for the newly annexed property. In exchange, the District is required by statute to transfer an equitable amount of its assets to the City for assuming that liability.

By intergovernmental agreement dated June 10, 1991, the City and the District agreed the transfer of assets would be processed on an annual basis for properties annexed between October 1st of one year, and September 30th of the following year.

Council approved a new agreement in 2013 clarifying certain language of the 1991 agreement and incorporating a process to address the assumption of liabilities as set forth in ORS 222.520.

The City and the District have successfully negotiated the division of assets process since the agreement was originally entered into. If negotiations for the Division of Assets/Assumption of Liabilities are required for the period of time identified in the IGA, the results of the negotiations are reported to Council for its consideration and approval on an annual basis.

**B. Analysis.** Due to certain changes in Government Accounting Standards Board ("GASB") requirements relating to the Public Employees Retirement System ("PERS"), the 2013 agreement now needs to be replaced in its entirety. Staff has negotiated the

new agreement with Fire District #2 and the District Board approved the new contract at their board meeting on April 19, 2016.

**C. Financial and/or Resource Considerations.** Impacts of the agreement are not known until calculations are done on an annual basis ~ but the outcome is always positive for the City.

**D. Timing Issues.** There are no timing issues on the matter; Staff would just like to finalize the process.

#### **STAFF RECOMMENDATION**

Staff recommends Council approve the agreement as presented.

#### **SUGGESTED MOTION**

The appropriate motion would be:

*"I MOVE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT WITH DOUGLAS COUNTY FIRE DISTRICT #2 FOR DIVISION OF ASSETS/ASSUMPTION OF LIABILITIES."*

#### **ATTACHMENTS**

1. The Proposed Intergovernmental Agreement

**cc:** Douglas County Fire District #2  
Chrono File

**2016 INTERGOVERNMENTAL AGREEMENT  
DIVISION OF ASSETS - ASSUMPTION OF LIABILITIES**

**BETWEEN:** City of Roseburg, an Oregon Municipal Corporation ("City")

**AND:** Douglas County Fire District No. 2, a Special District of the State of Oregon Organized Under the Authority of ORS Chapter 478 ("District")

**DATE:** 4/20/16, 2016

**RECITALS**

**WHEREAS**, the City and the District entered into an Intergovernmental Agreement dated June 10, 1991 wherein the parties agreed the division of assets process outlined in ORS 222.530 would be handled in a manner acceptable to both parties for all properties annexed to the City and withdrawn from the District; and

**WHEREAS**, the City and the District have successfully negotiated the division of assets for such properties annexed to the City and withdrawn from the District since the agreement was originally entered into, up to and including all properties that have been annexed to the City and withdrawn from the District prior to September 30, 2012; and

**WHEREAS**, the City and the District entered into a new agreement in 2013 to clarify certain language of the 1991 agreement and incorporate a process to address the assumption of liabilities as set forth in ORS 222.520 in a manner acceptable to both parties; and

**WHEREAS**, due to certain changes in Government Accounting System Board ("GASB") requirements relating to the Public Employees Retirement System ("PERS"), the parties have agreed the 2013 agreement should be replaced in its entirety by the 2016 Intergovernmental Agreement: Division of Assets - Assumption of Liabilities ("Agreement");

**NOW THEREFORE THE PARTIES HEREBY AGREE AS FOLLOWS:**

**Section 1. AUTOMATIC WITHDRAWAL.** By City ordinance, all properties annexed to the City from the District shall also be withdrawn from the District on the effective date of the annexation.

**Section 2. TIME LIMITATIONS EXTENDED.** The City and the District agree that the 90-day period established in ORS 222.530(1) for the division of assets and the timeliness of the debt payment required by ORS 222.520(2) for the assumption of liabilities, shall be and is hereby extended for each property annexed and withdrawn to the next December 31 provided the annexation and withdrawal occurred before October 1 of that year.

**Section 3.** **INITIATION OF PROCESS.** The negotiation process for division of assets and assumption of liabilities related to the properties annexed and withdrawn shall begin on or about October 1 of each year and be concluded prior to December 31 of that same year. Either party may begin the negotiations by sending the other its calculation of the percentage of annexed/withdrawn areas' value compared to the value of the whole District; the estimated value of the District's net assets as provided in Section 5 of this Agreement; and a request to meet. The other party shall respond within a reasonable time.

**Section 4.** **DETERMINATION OF PERCENTAGE OF DISTRICT'S NET ASSETS TO BE TRANSFERRED TO THE CITY.**

**4.1 Valuation of Properties.** The assessed value as shown on the Douglas County Assessor's records at the time of each annexation and withdrawal shall be used to determine the property values in the calculation of the percentage of the District's net assets to be Transferred to the City.

**4.2 Calculation of Percentage.** The percentage of the District's net assets to be transferred to the City shall be determined by using the property values prescribed by Section 4.1 of this Agreement. The value of the properties annexed/withdrawn since the last time there was a division of assets settlement shall be divided by the value of properties of the entire District as shown on the Douglas County tax rolls for the current fiscal year dated October 1.

**Section 5.** **DETERMINATION OF VALUE OF DISTRICT'S NET ASSETS TO BE TRANSFERRED TO THE CITY.**

**5.1 Valuation of District Assets.** For purposes of this Agreement, the District's total assets shall only include the Governmental Activities total assets and deferred outflows of resources for Governmental activities, except net pension assets, as reported on the Government Wide Statement of Net Assets, or similar statement required by GASB ("Statement"), in the District's most recent audited Annual Financial Report ("Annual Report") excluding PERS related net pension assets and deferred outflows of resources. Assets and deferred outflows of resources of the Business-type activities of the District shall also be excluded from such total.

**5.2 Valuation of District Liabilities and Indebtedness.** For purposes of this Agreement, the District's total liabilities and indebtedness shall only include the current and non-current liabilities and deferred inflows of resources for Governmental Activities incurred by the District prior to the date of annexation as reported on the Statement within District's Annual Report, excluding non-current other post-employment benefits ("OPEB"), PERS and accrued compensated absences in accordance with ORS 222.528(1). Liabilities and deferred inflows of resources of the Business-type activities of the District shall also be excluded from such total.

**5.3 Calculation of District's Net Assets.** The District's net assets for the purpose of this Agreement are determined by subtracting the District's liabilities and indebtedness as valued in Section 5.2 of this Agreement from the District's assets as valued in Section 5.1 of the Agreement.

**5.4 Amount of District Assets to be Transferred.** The assets of the District to be transferred to the City shall be determined by multiplying the District's net assets, as valued in Section 5.3 of this Agreement, by the percentage of assessed valuation being annexed, as calculated in Section 4.2 of this Agreement.

**Section 6. OTHER CONSIDERATIONS.**

**6.1 Delivery of Annual Report.** As soon as the Annual Report has been accepted by the District's Board of Directors, the District shall deliver a copy of such report to the City.

**6.2 Minimal Amount.** When the net value of the assets to be transferred to the City is \$500.00 or less, the City agrees the District will have no obligation to transfer any of its assets to the City and the District agrees the City will have no liability to assume any outstanding debt for the annexations/withdrawals used in the calculations.

**6.3 Detrimental Impact.** Where the determination of the net value to be transferred equals 5% or more of the total assets of the District, and where the District indicates such transfer would have a significant detrimental impact on the ability of the District to deliver services, within ten (10) days of value determination, the District shall notify the City of that detrimental impact and request negotiation over the amount and type of assets to be transferred. Such negotiations shall be conducted as to the amount and type of assets to be transferred in accordance with Section 7 of this Agreement.

**Section 7. IDENTIFICATION OF DISTRICT ASSETS TO BE TRANSFERRED TO CITY.**

**7.1 Negotiations.** The parties shall negotiate concerning which District assets are to be transferred to the City. The transfer shall occur upon reaching agreement or the decision of the arbitrator(s) unless a different transfer date is agreed to by the parties or set by the arbitrator(s). In such negotiations the parties shall be guided by the limitations of ORS 222.530 except as expressly modified by this Agreement.

**7.2 Transfer of Assets and Payment.** When the net value of the assets to be transferred includes a cash payment from the District equaling more than 2% of the total governmental activities assets of the District, the City shall allow the District to pay such balance over a two year period.

**Section 8. ANNUAL SETTLEMENT IN WRITING.** Each annual division of assets and assumption of liabilities settlement shall be agreed upon in writing and formally accepted by both parties.

**Section 9. ARBITRATION.**

**9.1 Notice of Intent to Arbitrate.** In the event a settlement cannot be reached, both parties agree not to initiate arbitration without giving 10 days' notice to the other party.

**9.2 Selection of Arbitrators.** If within the 10 days required by Subsection 9.1 the parties are unable to reach agreement, each party shall submit within 15 days of the receipt of the notice required by Subsection 9.1, a list of five arbitrators in order of preference to the Douglas County Board of Commissioners ("Commissioners"). The Commissioners shall appoint as arbitrator the first individual upon which the parties have agreed in their respective submissions. In the event there is no agreement, each party shall designate one arbitrator to serve on a tri-party arbitration panel and the Commissioners shall designate the third arbitrator who shall chair the panel. In the event either party fails to submit a list of arbitrators or to designate its representative on the arbitration panel, the Commissioners may determine who shall represent the absent party and the absent party hereby agrees to pay its share of the cost of such arbitration as the arbitrator(s) shall determine. The arbitration shall be governed by ORS 222.520 and 222.530 except as the parties have expressly provided in this Agreement.

**Section 10. EFFECTIVE DATE.** This Agreement, and the process agreed upon herein, shall become effective upon its execution by both parties, but shall apply retroactively to all annexations/withdrawals occurring after October 1, 2012 2015.

**Section 11. NOTICES.** Any notice required by, or related to, this Agreement shall be in writing and personally served or sent by first class mail to the following parties:

**CITY OF ROSEBURG**  
Attn: City Manager  
900 SE Douglas  
Roseburg, OR 97470

**DOUGLAS COUNTY FIRE  
DISTRICT NO.2**  
ATTN: Chief  
1290 NE Cedar Street  
Roseburg, OR 97470

Either party may designate from time to time a different officer or address to which notice shall be given by giving the other party written notice of the change.

**Section 12. TERMINATION.** Either party may terminate this Agreement without cause upon 365 days prior written notice to the other.

**Section 13. DEFAULT.**

**13.1** There shall be a default under this Agreement if either party fails to perform any agreed upon act or obligation required of that party by this Agreement within 30 days after the other party gives written notice specifying the nature of the breach with reasonable particularity. If the breach specified in the notice is of such a

nature that it cannot be completely performed within the 30 day period, no default shall occur if the party receiving the notice begins performance of the act or obligation within the 30 day period, notifies the other party of that beginning and of the date not more than 60 days away by which performance shall be accomplished, and thereafter proceeds with reasonable diligence and in good faith to effect the remedy within the time specified.

**13.2** In the event of a default, the non-defaulting party may elect to terminate this Agreement by so notifying the defaulting party, or may pursue any remedy available under Oregon law.

**13.3** Waiver by either party of strict performance of any provision of this Agreement shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

**Section 14. MODIFICATIONS.** No modification of this Agreement shall be valid unless agreed upon in writing and signed by both parties.

**Section 15. SEVERABILITY.** If any provision of this Agreement shall be found to be invalid or illegal, such invalidity or illegality shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid or illegal provision had never been contained herein.

**Section 16. ENTIRE AGREEMENT.** This Agreement is the entire, final and complete agreement of the parties and supersedes and replaces all prior and existing written or oral understanding except as otherwise continued in effect by the terms of this Agreement.

**CITY OF ROSEBURG**

**DOUGLAS COUNTY FIRE  
DISTRICT NO. 2**

\_\_\_\_\_  
**C. Lance Colley, City Manager**

  
\_\_\_\_\_  
**Greg B. Marlar, Fire Chief**

**Attest:**

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

*EC*  
*5/2/16*

# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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## ANNUAL FEE AMENDMENTS

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**Meeting Date:** May 9, 2016  
**Department:** Management Technician  
**www.cityofroseburg.org**

**Agenda Section:** Consent Agenda  
**Staff Contact:** Debi Davidson  
**Contact Telephone Number:** 492-6866

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### ISSUE STATEMENT AND SUMMARY

Pursuant to previous adopted City Council resolutions, service fees are to be adjusted annually based on either the Salem-Portland CPI-U for the preceding calendar year or the March Construction Cost Index (CCI). In addition, Staff has recommended a reduction in the cost of aerial maps.

### BACKGROUND

1. **Council Action History.** Unless special circumstances arise in the course of the fiscal year, the City Council generally takes action each May or June to adjust fees effective July 1st.
2. **Analysis.** The attached Resolutions incorporate all of the adjustments described in this section.

- A. **Fire Department:** Pursuant to Resolution No. 2006-02, Fire Department service fees are to be adjusted annually based on the Salem-Portland CPI-U. That adjustment for 2015 was 1.2%. As a housekeeping matter, the resultant adjusted rates need to be adopted by resolution to be effective July 1, 2016.
- B. **Airport:** Pursuant to Resolution No. 2006-11, the same CPI formula is to be implemented for certain airport fees with a 3% maximum; this year's adjustment will be 1.2%. Again, as a housekeeping matter, the resultant adjusted rates need to be adopted by resolution to be effective July 1, 2016.

Additionally, Staff has recommended that the lease rate for non-aviation related use of corporate hangar space (currently \$0.65 per square foot) be added to the list of usage fees subject to the annual CPI adjustment. This particular rate was implemented after City Council approved the list of fees subject to the CPI.

- C. **Community Development:** In compliance with Resolution No. 2008-10, all Department fees are to be adjusted by the 1.2% CPI rate.
- D. **System Development Charges:** System Development Charges are to be adjusted annually based upon the March Construction Cost Index (CCI) as reported in the Engineering News Record twenty city average with an inflation factor cap of 5% per year. This year's CCI is 2.71%.

E. **Aerial Maps:** Currently, the fee schedule has a \$150.00 per sheet charge for digital aerial maps. Given current technology, this amount far exceeds actual cost of providing the maps. Therefore, Staff has recommended a reduction in the fee to \$25 for up to 4 tiles and \$25 for every additional tile.

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

### **COUNCIL OPTIONS**

- A. Adopt the attached resolutions incorporating fees as described above.
- B. Adopt the attached resolutions with amendments.
- C. Decline to adopt the attached resolutions.

### **STAFF RECOMMENDATION**

City of Roseburg fees are adopted through two resolutions. Resolution No. 91-18 applies to water service related fees. Resolution No. 92-13 applies to all other fees. Therefore, there are two resolutions attached for your consideration. Staff recommends Council adopt the resolutions as presented.

### **SUGGESTED MOTIONS**

1. ***"I MOVE TO ADOPT RESOLUTION NO. 2016-10 AMENDING RESOLUTION NO. 92-13 REGARDING FEES. "***
2. ***'I MOVE TO ADOPT RESOLUTION NO. 2016-11 AMENDING RESOLUTION NO. 91-28 REGARDING WATER FEES."***

### **ATTACHMENTS**

- Resolutions Implementing the Subject Fees

**RESOLUTION NO. 2016-10**

**A RESOLUTION AMENDING RESOLUTION NO. 92-13 REGARDING FEES**

**WHEREAS**, Resolution No. 2006-02 and Resolution No. 2008-10 require annual adjustments to Fire Department and Community Development Department fees be made based upon the Salem-Portland CPI-U. That adjustment is 1.2% for calendar year 2015; and

**WHEREAS**, Resolution No. 2006-12 requires annual adjustments to certain Airport fees be made based upon the Salem-Portland CPI-U for the preceding calendar year up to a maximum of 3%. That adjustment is 1.2% for 2015; and

**WHEREAS**, Systems Development Charges are to be adjusted annually based upon the March Construction Cost Index. That adjustment is 2.71%; and

**WHEREAS**, Staff evaluated aerial map fees and recommended a reduction for those fees.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Roseburg, that Resolution No. 92-13 adopted by the City Council on August 24, 1992, is amended as follows:

**Section 1:** Effective July 1, 2016, the below-listed Fire Department fees shall be adjusted as follows:

<b>False Alarm Response Fee</b> to be assessed for the 3 <sup>rd</sup> through 6 <sup>th</sup> false alarm for the same location within any calendar year (partial reimbursement) .....	307.00 ea	<u>311.00</u>
7 <sup>th</sup> and each subsequent false alarm (full reimbursement) .....	714.00 ea	<u>722.00</u>
<b>False Alarm Appeal Fee</b> .....	120.00	<u>121.00</u>
<b>Inspections</b>		
Illegal Occupancy .....	338.00	<u>342.00</u>
Exceeding maximum occupant load .....	155.00	<u>157.00</u>
"A" Occupancy Inspections (after hours) .....	95.00	<u>96.00</u>
<b>Business Inspections</b>		
Unmitigated violations - Subsequent re-inspections		
1st re-inspection visit .....	155.00	<u>157.00</u> per facility plus 32.00 per violation class
2nd re-inspection visit .....	276.00	<u>279.00</u> per facility plus 32.00 per violation class
3rd & subsequent re-inspection visits .....	522.00	<u>528.00</u> per facility plus 32.00 per violation class
<b>Permits</b>		
Blasting .....	154.00	<u>156.00</u>
Burn permits		

Residential .....	68.00	<u>69.00</u>
Commercial .....	338.00	<u>342.00</u>
Exempt From Seasonal Restriction .....	92.00	<u>93.00</u>
<b>Fireworks including retail sales inspection</b>		
Booth .....	124.00	<u>125.00</u>
Tent .....	454.00	<u>156.00</u>
Display .....	307.00	<u>311.00</u>
<b>Storage Tanks</b>		
Installation .....	154.00	<u>156.00</u>
Removal .....	93.00	<u>94.00</u>
<b>On-Site Inspections</b>		
Underground piping		
Flushing .....	92.00	<u>93.00</u>
Hydrostatic test .....	92.00	<u>93.00</u>
<b>Aboveground Piping</b>		
Modifications/Remodels.....	92.00	<u>93.00</u>
Sprinkler System Pre-Cover (\$50.00 minimum) .....	92.00	<u>93.00/hr</u>
Hydrostatic Test.....	92.00	<u>93.00</u>
Pneumatic Test .....	92.00	<u>93.00</u>
Dry Piping Trip Test .....	92.00	<u>93.00</u>
Standpipes.....	92.00	<u>93.00</u>
Fire Alarm Systems.....	92.00	<u>93.00/hr</u>
Missed Appointment Fee .....	92.00	<u>93.00</u>
Smoke Removal Systems.....	92.00	<u>93.00</u>
Final Inspection (\$100.00 minimum).....	92.00	<u>93.00/hr</u>
New Hydrant Installation Inspection and flushing per Hydrant.....	154.00	<u>156.00</u>
<b>Additional Inspections</b>		
Clean Agent System (site inspection/room integrity flow & alarm test) ....	154.00	<u>156.00</u>
Commercial Cooking Hoods (site inspection/trip test) .....	124.00	<u>125.00</u>
Special Events –(per vendor, per year) .....	58.00	<u>59.00</u>
- Includes as examples: Graffiti, Art Festival, Music on the Half Shell		
Special Requested Inspection (typically business insurance purposes)..	115.00	<u>116.00/hr</u>
Spray Booths (site inspection/trip test) .....	154.00	<u>156.00</u>
Temporary Membrane Structures, Tents and Canopies .....	92.00	<u>93.00</u>
<b>Plan Review</b>		
Including Deferred Submittals (\$50.00 minimum if less than 1 hour)...	92.00	<u>93.00/hr</u>
<b>Mechanical Inspection</b>		
Fire Smoke Damper (per damper) .....	19.00	(no change)
<b>Site Review/Consultation</b>		
First hour free - Each additional hour per project.....	92.00	<u>93.00/hr</u>
<b>Hazardous Materials</b>		
One hour minimum - Non-State Team Response .....	307.00	<u>311.00</u>

<b>Opticom Traffic Control Device - non City owned vehicles</b>		
Annual permit per agency .....	1,843.00	<u>1,865.00</u>

**Section 2:** Effective July 1, 2016, the below-listed Airport related fees shall be adjusted as follows:

**Rent/Lease Rates (Monthly):**

Commercial "Lear" .....	713.00	<u>722.00</u>
Corporate Hangar Space & Aviation Suites <i>per square foot</i> .....	0.27916	<u>0.28251</u>
Storage Units B, G, H, I .....	73.00	<u>74.00</u>
Storage Unit F .....	52.00	<u>53.00</u>
T-Hangar single (except I-5, I-9 and I-14) .....	220.00	<u>223.00</u>
T-Hangar single (North end I-5, I-9, I-14).....	161.00	<u>163.00</u>
T-Hangar twin (South end) .....	404.00	<u>409.00</u>
Tie-Downs twin ( <i>per space</i> ) .....	60.00	<u>61.00</u>

**Rent/Lease Rates (Annual):**

Non-Aviation Related Use of Corporate Hangar Space..... 0.65/sf 0.66/sf  
*The annual rent/lease rate for non-aviation related use of corporate hangar space shall be adjusted annually based upon the Salem-Portland CPI-U, December to December.*

**Section 3:** Effective July 1, 2016, the below-listed Community Development Department fees shall be adjusted as follows:

**Above Ground Storage Tank:**

Permit .....	224.00	<u>227.00</u>
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**Administrative Function** (*i.e. address, flood certification, DMV*) ..... 29.00 No change

**Amendment** (*Conditions, Findings and Plat*) ..... 280.00 283.00

**Annexation:**

Petition Initiated .....	672.00	<u>680.00</u>
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**Appeals:**

Dangerous Building Abatement (*to City Manager then Council*) (C) ..... 280.00 283.00

**Boundary Line Adjustment**..... 224.00 227.00

**Comprehensive Plan Amendment** (*Map/Text*)..... 1,346.00 1,362.00

Urban Growth Boundary .....	1,678.00	<u>1,698.00</u>
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**Conditional Use Permit**..... 559.00 566.00

Day Care .....	280.00	<u>283.00</u>
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**Demolition Permit**..... 31.00 No change

**Derelict Building Registration:**

Application		
Residential.....	256.00	<u>287.00</u>
Commercial .....	512.00	<u>518.00</u>
 Monthly Registration for each month or portion thereof building is registered for the first six months		
Residential.....	112.00	<u>113.00</u>
Commercial .....	512.00	<u>518.00</u>
 Extension – Monthly Registration for each month or portion therefore building is registered after six months		
Residential.....	223.00	<u>226.00</u>
Commercial .....	1,024.00	<u>1,054.00</u>
 Delinquent Payment Penalty (for each monthly payment more than 30 days past due)		
.....	512.00	<u>518.00</u>
<b>Expedited Land Use Action (plus \$100 postage).....</b>	<b>1,790.00</b>	<b><u>1,811.00</u></b>
 <b>Grading Plan:</b>		
Single Family Unit/Duplex.....	55.00	<u>56.00</u>
Other.....	280.00	<u>283.00</u>
<b>Historic Structure – Alteration/Construction/Demolition.....</b>	<b>55.00</b>	<b><u>56.00</u></b>
<b>Non-Conforming Use Alteration .....</b>	<b>168.00</b>	<b><u>170.00</u></b>
<b>Partition: .....</b>	<b>449.00</b>	<b><u>454.00</u></b>
 <b>Planned Development:</b>		
Preliminary (plus \$10.00 per lot).....	1007.00	<u>1019.00</u>
Final.....	112.00	<u>113.00</u>
Second Resubmittal.....	112.00	<u>113.00</u>
Construction Review.....	112.00	<u>113.00</u>
<b>Riparian Setback.....</b>	<b>168.00</b>	<b><u>170.00</u></b>
 <b>Site Plan Review:</b>		
New Construction Single Family Unit/Duplex .....	112.00	<u>113.00</u>
Commercial/Industrial/Other .....	390.00	<u>395.00</u>
Preliminary.....	112.00	<u>113.00</u>
Mobile Home Park .....	390.00	<u>395.00</u>
 <b>Site Plan Review – Signs:</b>		
Area – 0 to 32 square feet .....	23.00	No Change
Area – 33 to 60 square feet .....	34.00	No Change
Area – 61 to 99 square feet .....	39.00	No Change
Area – 100 to 250 square feet .....	55.00	<u>56.00</u>
Freestanding (in addition to above) .....	23.00	No Change

<b>Subdivision:</b>		
One to 3 lots .....	391.00	<u>396.00</u>
Preliminary (plus \$10.00 per lot).....	1007.00	<u>1019.00</u>
Construction Plan Review.....	112.00	<u>113.00</u>
Final Plat.....	112.00	<u>113.00</u>
Replat .....	390.00	<u>395.00</u>
Second Resubmittal.....	112.00	<u>113.00</u>

<b>Technical Review:</b>		
Alteration/Remodel Single Family Unit/Duplex .....	39.00	No change
Alteration/Remodel Commercial/Industrial.....	55.00	<u>56.00</u>

<b>Temporary Permit:</b>		
Family Hardship/Structure [ <i>City Manager and/or Community Development Director can waive fee based on financial hardship</i> ].....	112.00	<u>113.00</u>
Use/Zoning, Etc. ....	112.00	<u>113.00</u>

<b>Vacation (Street, Alley, Easements) (plus deposit for costs as determined by the City Recorder) .....</b>	390.00	<u>395.00</u>
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<b>Variance:</b>		
Administrative .....	224.00	<u>227.00</u>
Public Hearing before Planning Commission.....	449.00	<u>454.00</u>

<b>Water Service Request for Outside City Limits:</b>		
Residential – Single Family .....	112.00	<u>113.00</u>
Residential – Other .....	280.00	<u>283.00</u>
Commercial .....	390.00	<u>395.00</u>

<b>Zone Change .....</b>	839.00	<u>849.00</u>
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**Section 4:** Effective July 1, 2016, the following System Development Charges shall be adjusted as follows:

<b>Park System Development Charge: (Per Equivalent Residential Unit [ERU] for new development) .....</b>	592.00	<u>608.00</u>
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<b>Storm Drainage System Development Charge</b>		
For a single family unit.....	1011.00	<u>1039.00</u>
For all other development per square foot of impervious surface.....	0.336	<u>0.345</u>
Minimum.....	1011.00	<u>1039.00</u>

<b>Transportation System Development Charge: for new development)</b>		
Methodology Resolution #2014-1 .....	Per Trip-End	
.....	2839.00	<u>2916.00</u>

**\*\*\* Pursuant to Resolution No. 2014-2, Transportation SDC's are imposed at 25% or ~~\$710.00~~ \$729.00 per trip end.**

**Section 5:** Effective July 1, 2016, the "per tile" cost of providing aerial maps shall be reduced from \$150.00 to \$25.00 for the first four tiles and \$25.00 for each additional tile.

**APPROVED BY THE COUNCIL OF THE CITY OF ROSEBURG, OREGON,  
AT ITS REGULAR MEETING ON THE 9<sup>TH</sup> DAY OF MAY 2016**

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Sheila R. Cox, City Recorder

**RESOLUTION NO. 2016-11**

**A RESOLUTION AMENDING RESOLUTION NO. 91-18 REGARDING WATER FEES**

**WHEREAS**, certain Water Development Charges are to be adjusted annually based upon the March Construction Cost Index which was 2.71%; and

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

**Section 1:** Effective July 1, 2016, all service connections, except one- and two-family residential combined domestic/fire shall pay the following water system development charge:

<u>Meter Size</u>		
5/8" x 3/4"* .....	2,208.00	<u>2,268.00</u>
3/4" x 3/4"* .....	3,312.00	<u>3,402.00</u>
1"* .....	5,510.00	<u>5,668.00</u>
1-1/2"* .....	11,038.00	<u>11,337.00</u>
2" .....	17,622.00	<u>18,140.00</u>
3" .....	38,635.00	<u>39,681.00</u>
4" .....	66,233.00	<u>68,026.00</u>
6" .....	149,023.00	<u>153,058.00</u>
8" .....	176,620.00	<u>181,403.00</u>

**Section 2:** Effective July 1, 2016, all service connections for one- and two-family residential combined domestic/fire service shall pay the following water system development charge:

Meter Size – All.....	<del>2,208.00</del>	<u>2,268.00</u>
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**APPROVED BY THE COUNCIL OF THE CITY OF ROSEBURG, OREGON,  
AT ITS REGULAR MEETING ON THE 9<sup>TH</sup> DAY OF JUNE 2016.**

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



# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

*epk*  
*5/3/16*

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## Pine Street Waterfront Overlay Grant Resolution 2016-12

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**Meeting Date:** May 9, 2016  
**Department:** Community Development  
**[www.cityofroseburg.org](http://www.cityofroseburg.org)**

**Agenda Section:** Consent  
**Staff Contact:** Brian Davis *Bm*  
**Telephone Number:** 541-492-6750

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### ISSUE STATEMENT AND SUMMARY

The Council will consider a resolution of support for a grant application with the State of Oregon that would create an overlay zone for SE Pine Street north of Douglas Ave to help resolve conflicts between the Waterfront Plan and the Land Use and Development Ordinance.

### BACKGROUND

#### A. Council Action History

None.

#### B. Analysis

One of the items discussed in the Waterfront Plan is the redevelopment of SE Pine Street north of Douglas Avenue. "The northern Pine Street corridor can become a unique district within the City in the future taking advantage of its riverfront location, shared pedestrian way, and commercial zoning. It is possible this area could over time be redeveloped into a series of shops and overnight accommodations with an intimate historic character" (Waterfront Plan, p. 61).

In recent public hearings of the Planning Commission it was pointed out that the site requirements of the Land Use and Development Ordinance would not accommodate much of what the Waterfront Plan suggests. This is true of both the current LUDO and the July 1, 2016 version recently adopted by the Council. As examples, LUDO requires greater access and parking than can be provided by Pine Street and the adjacent properties.

The State's Transportation Growth Management Program offers a code assistance grant for situations like this in which the comprehensive planning and zoning ordinance conflict with one another. The State indicated a grant proposal that seeks to create an overlay zone to resolve such differences would be a strong application.

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

The grant requires no match, but there will be staff time needed to manage the development of the overlay. The State carries the contract, so the City does not see any funds pass through the Grant Fund.

**D. Timing Issues**

None

**COUNCIL OPTIONS**

1. Support the Resolution
2. Do not support the Resolution

**STAFF RECOMMENDATION**

Staff recommends adopting the Resolution.

**SUGGESTED MOTION**

*"I move to adopt Resolution 2016-12 supporting the application of a Code Assistance Grant through the Transportation Growth Management Program for purposes of creating a zoning overlay for the SE Pine and Douglas area."*

**ATTACHEMENTS**

Resolution 2016-12

Waterfront Plan, pages 61-63

**RESOLUTION NO. 2016-12**

**A RESOLUTION AUTHORIZING AND SUPPORTING APPLICATION FOR CODE ASSISTANCE GRANT**

**WHEREAS**, the Comprehensive Plan and Waterfront Master Development Plan identifies a need for pedestrian and bicycle-friendly commercial development of the waterfront for properties along SE Pine Street, north of SE Douglas Avenue; and

**WHEREAS**, the Roseburg City Council has identified waterfront development as a high priority project; and

**WHEREAS**, the Code Assistance grant will provide supportive regulations for commercial development and new multi-modal access standards; and

**WHEREAS**, the Code Assistance grant, funded through the TGM program is a joint effort of the Oregon Department of Transportation (ODOT) and the Department of Land Conservation and Development (DLCD) are accepting applications to help fund code updates supportive of multi-modal transportation alternatives; and

**WHEREAS**, the City of Roseburg desires to participate in this grant program to the greatest extent possible as a means of providing this Waterfront Master Development Plan component; and

**WHEREAS**, other than minimal staff time the cost of services for this study are covered 100% by the Transportation and Growth Management Program's Code Assistance Grant;

**IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSEBURG, that**

**Section 1.** Authorization is granted to apply for a Code Assistance Grant for the preparation of a Land Use Development Ordinance (LUDO) update.

**Section 2.** This Resolution shall become effective immediately upon its adoption by the City Council.

**APPROVED BY THE COUNCIL OF THE CITY OF ROSEBURG, OREGON, AT ITS REGULAR MEETING ON THE 9<sup>th</sup> DAY OF MAY 2016**

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

**RESOLUTION NO. 2016-**

### 4.5 Pine Street Improvements and Redevelopment

The area north of Douglas Avenue, alongside the railroad line towards Deer Creek, is an important segment of this Waterfront Master Development Plan, providing overall connectivity and a small-scale, historic character adjacent to downtown. Pine Street itself is technically only the first 50 feet of the corridor north of Douglas Avenue (Fig. 4I). The corridor that extends north is a 20'-wide paved easement negotiated with Southern Pacific RR, the precursor to the CORP railroad. There are historic structures on Douglas Avenue that contribute to the character of this area, including the Lane House, built in 1866 and which is the headquarters of the Douglas County Historical Society.

The trail from Riverside Park runs behind the Chamber of Commerce and ends at Spruce Street, next to the existing dental office, where it joins the sidewalk. Signage needs to be improved at this location to ensure that trail users know that they can continue north. The trail shares the access roadway in the Pine Street easement and becomes a bona fide trail again as it crosses Deer Creek and parallels the South Umpqua towards Gaddis and Stewart Parks.

The northern Pine Street corridor can become a unique district within the City in the future taking advantage of its riverfront location, shared pedestrian way, and commercial zoning. It is possible this area could over time be redeveloped into a series of shops and overnight accommodations with an intimate historic character.



West down Douglas to South Umpqua River. Riverfront trail uses the sidewalk to connect to Pine Street

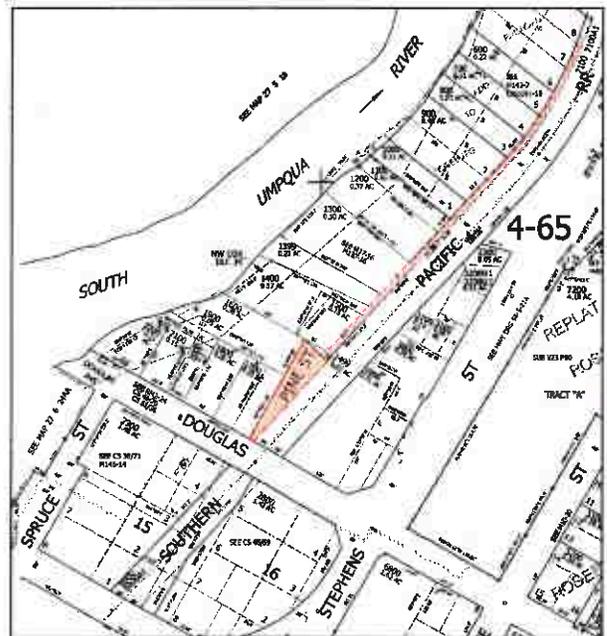


Figure 4I: Pine Street ROW and 20' easement north of Douglas

The following improvements are recommended for this corridor (see Figure 4J):

- Improved paving, with unit pavers preferred instead of asphalt.
- At very least, the corridor should be delineated with pavement markings to guide cyclists and pedestrians and perhaps delineate a lane for cars to use when accessing riverfront properties.
- The existing fence separating northern Pine from the railroad is stark and unattractive. Replace the fence, with at least a black chain link fence or a metal railing fence and add plantings.
- New lighting should be installed on the corridor, consistent with light standards on other sections of riverfront and tying to downtown.
- Properties along the corridor are zoned C3, which allows them to redevelop as small-scale retail. One vision imagines this corridor becoming a district with local arts and crafts shops, along with bed and breakfast-type accommodation (photos at right).
- Redevelopment should be required to locate close to the trail corridor, to create a sense of activation and direct observation of the corridor.
- A future trail connection directly on the riverbank could be realized as willing sellers make their property available and the City responds by purchasing these properties or access rights to create a public parcel.
- It is not anticipated that additional right-of-way acquisition is required for the improvements above.



Small-scale crafts shop



Bed and Breakfast in an historic house

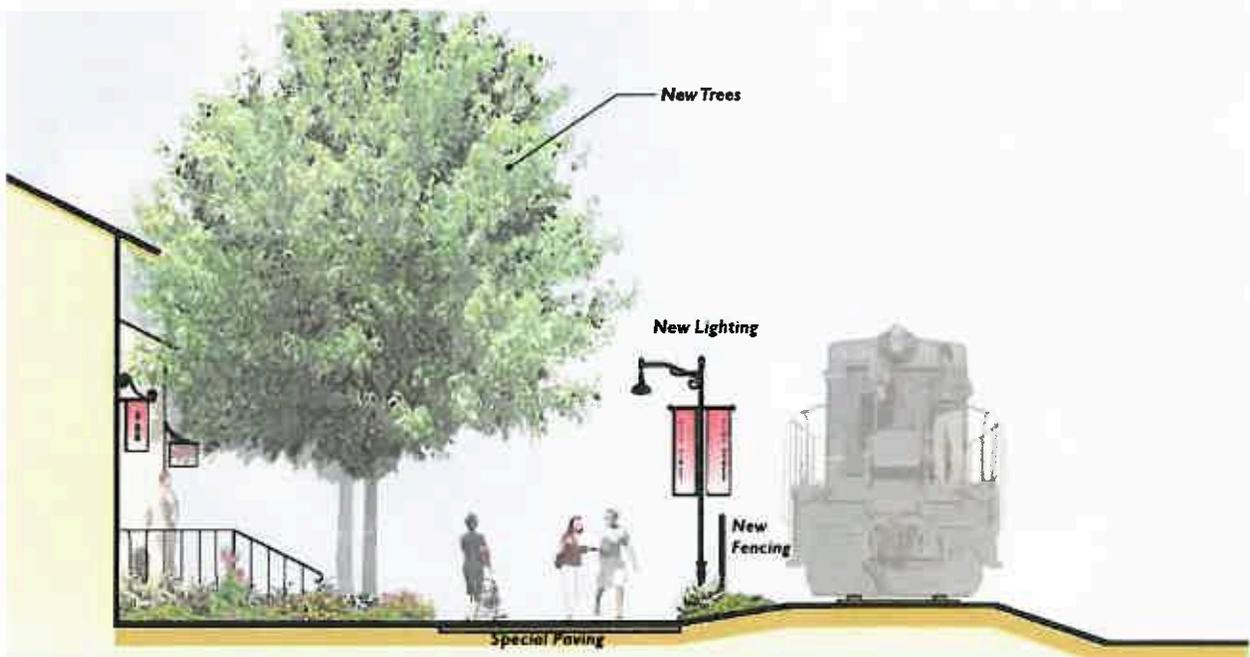


Figure 4J: Conceptual cross-section for Pine Street improvements



Existing Pine Street



Figure 4K: Concept for Pine Street improvements

## ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

*o/c*  
*5/3/16*



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### Community Development Block Grant – Council Support for Application UCAN Head Start Project

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**Meeting Date:** May 9, 2016  
**Department:** Community Development  
**[www.cityofroseburg.org](http://www.cityofroseburg.org)**

**Agenda Section:** Public Hearing  
**Staff Contact:** Brian Davis *Bn*  
**Contact Telephone Number:** 541-492-6750

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#### ISSUE STATEMENT AND SUMMARY

United Community Action Network (UCAN) is asking for City assistance in constructing a new Head Start Building on the UCAN Campus. They wish to access \$1,500,000 in Community Development Block Grant (CDBG) funds from the Oregon Business Development Department that may be used for such purposes. A local jurisdiction must apply on their behalf, and because this project is inside the city limits, the City of Roseburg was the logical choice to assist them with the application.

#### BACKGROUND

**A. Council Action History.**

The City submitted a CDBG application in September 2015 for this project which was not awarded. Funding for the project is still in place from foundation and local grants, community support, and UCAN agency sources which will be combined with a CDBG grant of \$1,500,000 acquired by the City of Roseburg. The CDBG application will be submitted by September 30, 2016 with construction to follow in 2017.

**B. Analysis.**

The purpose of the hearing is for the City Council to obtain citizens views about the project and to respond to comments about the proposed project. The Council will also invite comments regarding overall community development and housing needs, especially the needs of low and moderate income persons, as well as other needs in the community that might be assisted with a Community Block Grant project. At the hearing, the Council will consider both oral and written comments before deciding whether to proceed with the grant application for the proposed project.

Oregon Business Development Department CDBG funds may be used for construction of Public Community Facilities to provide shelter or services to persons with special needs. Head Start Centers meet the National Objective of Benefiting Low and Moderate Income Persons – Limited

Clientele as Head Start Centers serve persons 0-5 years of age of whom at least 51% meet Low- and Moderate-Income limits. Maximum grant amounts of \$1,500,000 are available to such facilities as they rarely produce a reliable or sufficient revenue stream to repay a loan.

Currently, UCAN provides Head Start services to 200 children from the Roseburg School District with a waiting list of at least 300 more. A new facility at the UCAN campus on Kenneth Ford Drive will consolidate operations while providing Head Start a permanent location. The campus currently buses children to the site for other programs.

Head Start has been renting various facilities for many years without long-term stability. Classrooms at schools or churches have been used, but oftentimes property owners re-let the space with little notice which disrupts service to children. Head Start also includes specific requirements for nutrition for its students; if a rented facility did not have a commercially certified kitchen or food service which met Federal guidelines, meals and snacks would need to be delivered to the children. The planned new construction includes a commercial kitchen on site which will meet requirements for all Head Start students.

The City is the applicant and ultimately responsible for all aspects of the CDBG project; although the City applies for funding in cooperation with UCAN, CDBG funds are awarded to the City. Under the standard CDBG process, City funds are then used to assist UCAN in the construction of the facility. As the responsible party, the City disperses funds to the project, becoming a lien holder on the project which ensures the facility continues its use as a Head Start Center for at least 5 years beyond administrative close out of the CDBG grant.

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

Construction of the building is budgeted at \$4,200,000. UCAN has committed private foundation grants totaling \$1,200,000 and a committed loan for \$1,500,000; the \$1,500,000 CDBG grant will cover the balance, \$500,000 of which is in the Grant Fund of the proposed 2016-17 budget for preliminary engineering, architectural and other work.

Other than staff time needed to monitor the grant, no City funds would be used for this application. If awarded, a budget resolution to authorize expenditure of special purpose grant funds will be brought to Council for action.

**D. Timing Issues.**

The third quarter funding cycle of 2016 CDBG ends September 30, 2016. Council approval at this meeting allows the application to be processed within the first award cycle for 2016. This has been the only CDBG application request received by the City in 2016.

**COUNCIL OPTIONS**

1. Direct Staff to proceed with the application for CBDG funds
2. Delay application for CBDG funds until a later funding cycle
3. Take no action

**STAFF RECOMMENDATION**

Staff recommends Council approve the request for a CBDG application in support of UCAN Head Start building construction.

**SUGGESTED MOTION**

"I move to approve the application request by UCAN and direct staff to move forward with the CDBG application process prior to September 30, 2016."

**ATTACHMENTS**

Project Site Photo  
Public Hearing Notice



**CITY OF ROSEBURG PUBLIC NOTICE AND NOTICE OF PUBLIC HEARING  
REGARDING 2016 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

**NOTICE IS HEREBY GIVEN**, the City of Roseburg will conduct a public hearing on **Monday, May 9, 2016**, regarding the city's intent to apply for a 2016 Community Development Block Grant.

The City of Roseburg is eligible to apply for a 2016 Community Development Block Grant from the Oregon Business Development Department. Community Development Block Grant funds come from the U.S. Department of Housing and Urban Development. The grants can be used for public facilities and housing improvements, primarily for persons with low and moderate incomes. Approximately \$11.5 million will be awarded to Oregon non-metropolitan cities and counties in 2016. The maximum grant that a city or county can receive is \$2,500,000.

The City of Roseburg is preparing an application for a 2016 Community Development Block Grant from the Oregon Business Development Department for construction of a Head Start facility on the United Community Action Network Campus. It is estimated that the proposed project will benefit at least 200 persons, of whom (99%) will be low or moderate income.

**The Roseburg City Council will hold its regularly scheduled meeting at 7:00 p.m. on Monday, May 9, 2016 in the City Council Chambers, Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon.** A public hearing will be held by the Roseburg City Council at that meeting. The purpose of this hearing is for the Roseburg City Council to obtain citizen views and to respond to questions and comments about: community development and housing needs, especially the needs of low- and moderate-income persons, as well as other needs in the community that might be assisted with a Community Development Block Grant project; and the proposed project. Written comments are also welcome and must be received by **5:00 p.m. on May 9, 2016** at 900 SE Douglas Avenue. Both oral and written comments will be considered by the Roseburg City Council in deciding whether to apply. The location of the hearing is accessible to persons with disabilities.

More information about Oregon Community Development Block Grants, the proposed project, and records about the City of Roseburg's past use of Community Development Block Grant funds are available for public review at the Community Development Department, 3<sup>rd</sup> floor Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, Oregon during regular office hours. Advance notice is requested. If special accommodations are needed, please notify City Recorder's Office so that appropriate assistance can be provided.

Permanent involuntary displacement of persons or businesses is not anticipated as a result from the proposed project. If displacement becomes necessary, alternatives will be examined to minimize the displacement and provide required/reasonable benefits to those displaced. Any low- and moderate-income housing, which is demolished or converted to another use will be replaced.

**\*\*\* 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.

**ORDINANCE NO. 3463**

**AN ORDINANCE ANNEXING 0.76 ACRES OF PROPERTY COMMONLY KNOWN AS 1669 W LOOKINGGLASS, WITHDRAWING THE PROPERTY FROM DOUGLAS COUNTY FIRE DISTRICT 2, AND AMENDING THE ROSEBURG ZONING MAP**

**THE CITY COUNCIL OF THE CITY OF ROSEBURG, OREGON, finds:**

1. The proposed annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.
2. This proposal includes annexation of land and concurrent Zone Change for said land which came before the Roseburg Planning Commission as a Quasi-judicial matter considered at a public hearing after due and timely notice.
3. The annexation complies with provisions of ORS 222.120 and ORS 222.125, annexation by consent.
4. Owner of the subject property consents to annexation into the City as a logical extension of the city boundary.
5. The territory to be annexed is a part less than the entire area of a rural fire protection district - Douglas County Fire District No. 2.
6. The annexation and withdrawal of the property from the Douglas County Fire District No. 2 is consistent with the fundamental principles and applicable policies of the Roseburg Urban Area Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
7. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that has been annexed to the City upon the effective date of the withdrawal.
8. The City Council takes note of the Roseburg Urban Area Comprehensive Plan as adopted by the City Council in Ordinance No. 2345, effective on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996.
9. The City Council takes note of the Roseburg Land Use and Development Ordinance (LUDO) No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 3408 on March 11, 2013.
10. The subject land of Files No. AN-16-1/ZC-161 is zoned County Suburban Residential (RS), and annexation will cause a Zone Change to a City designation of Single Family Residential (R6).
11. All public facilities and services are within distance to serve the subject property.

12. Upon adoption of the ordinance, the City Recorder shall file a copy of the annexation ordinance with the Secretary of State as required by ORS 222.177.
13. Within 10 days from the effective date of the annexation, the City shall submit to the Douglas County Clerk, County Assessor, and Oregon Department of Revenue a detailed legal description of the new boundaries established by the city in accordance with ORS 222.010.
14. The following criteria exist:
  - a. The Annexation complies with ORS 222.125 and City Council Annexation Policies of Resolution 2006-04.
  - b. The Zone Change complies with Land Use and Development Ordinance Section 5.4.030.

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

**SECTION 1.** The foregoing findings are hereby approved and incorporated herein.

**SECTION 2.** The subject real property was known as Tax Lot 00600 of Township 27 South, Range 06 West, Willamette Meridian, Section 22DC. The property is annexed in a consolidated application per LUDO 5.1.060. Therefore, the subject property, with Annexation, is hereby annexed into the City of Roseburg. The subject property annexation, also known as DOR File DOR 10-P497-2016, is described in attached Exhibit "A" and shown on the map in attached Exhibit "B."

**SECTION 3.** This annexation and concurrent Zone Change have been processed pursuant to Roseburg Land Use and Development Ordinance.

**SECTION 4.** The City Council hereby adopts as its own the Findings of Fact and Decision of the Planning Commission dated April 4, 2016 and by reference incorporated herein.

**SECTION 5.** This annexation is made pursuant to the provisions of ORS 222.120, and 222.125, annexation by consent, for which a public hearing was conducted.

**SECTION 6.** The subject property shall be withdrawn from Douglas County Fire District No. 2 on the effective date of the annexation; at which time, the City shall assume the obligations referred to in ORS 222.520(2) and shall commence the procedure for division of assets provided in ORS 222.530. The particulars of said assumption of liabilities and division of assets shall be accomplished hereafter as provided in an Intergovernmental Agreement between the City and Douglas County Fire District No. 2 dated September 23, 2013.

**SECTION 8.** Upon adoption of the ordinance, the City Recorder shall file a copy of the annexation ordinance with the Secretary of State as required by ORS 222.177.

**SECTION 9.** The City Recorder shall submit the legal description of the territory annexed (attached hereto as Exhibit "A") and accurate map showing the annexed territory (attached hereto as Exhibit "B") to the Douglas County Assessor and the Oregon Department of Revenue as required by ORS 308.225.

**SECTION 10.** On the effective date of the annexation, the City shall amend the Roseburg Zoning Map by applying the identified zones to the subject properties, as shown by the list herein made part of this ordinance.

**SECTION 11.** Within 10 days from the effective date of the annexation, the City shall submit to the Douglas County Clerk, County Assessor, and Oregon Department of Revenue a detailed legal description of the new boundaries established by the city in accordance with ORS 222.010.

**ADOPTED BY THE CITY COUNCIL THIS 9<sup>TH</sup> DAY OF MAY 2016.**

**APPROVED BY THE MAYOR THIS 9<sup>TH</sup> DAY OF MAY 2016.**

\_\_\_\_\_  
MAYOR

ATTEST:

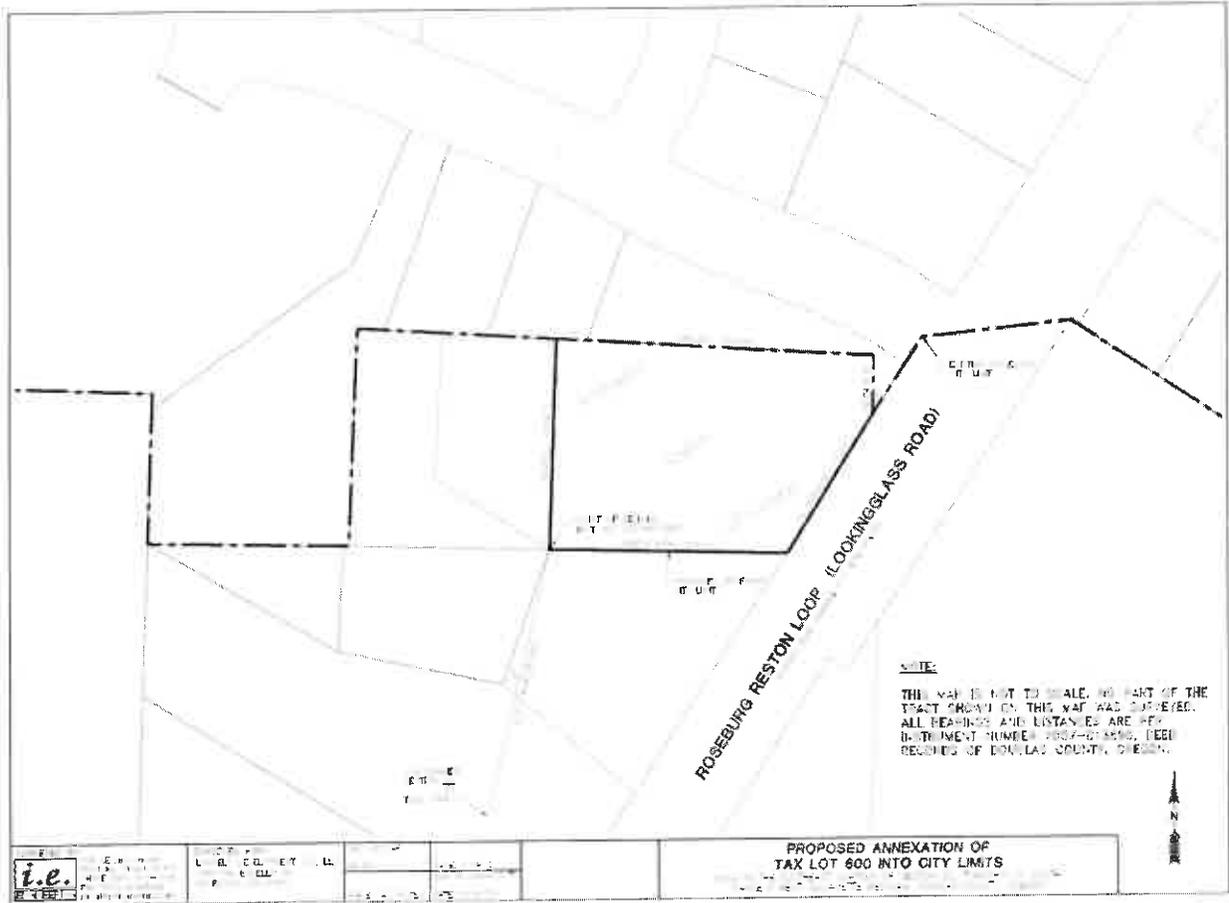
\_\_\_\_\_  
SHEILA R. COX, CITY RECORDER

EXHIBIT A

ANNEXATION DESCRIPTION 1669 W LOOKINGGLASS STREET:

Beginning at a 1" x 30" angle bar from which the quarter corner of Section 22 and 27, Township 27 South, Range 06 West, Willamette Meridian, Douglas County, Oregon, bears South 13° 17' West 1251.65 feet; thence North 0° 20' East 150.97 feet to a 1 "x 30" iron pipe; thence South 88° 36' East 239.89 feet to a point; thence South 81.87 feet to a 1 inch iron pipe on westerly right of way of County Road No.5; thence South 31° 07' 45" West 70.24 feet along the westerly right of way of said County Road to a staked marked Lots 4 and 5; thence North 89° 12' 30" West 205.10 feet to the point of beginning. Above-described tract contains 0.76 acres, more or less.

EXHIBIT B



**ORDINANCE NO. 3464**

**AMENDING ROSEBURG MUNICIPAL CODE SUBSECTION 2.24.020 TO ADD  
SERVING AS THE CITY'S TREE BOARD TO THE DUTIES OF THE CITY OF  
ROSEBURG'S PARKS AND RECREATION COMMISSION**

**WHEREAS**, on April 25, 2016 the Roseburg City Council adopted Ordinance No. 3462 adding Chapter 4.12 entitled "*Tree Planting, Maintenance and Removal*" to the Roseburg Municipal Code; and

**WHEREAS**, newly adopted Chapter 4.12 designated the City of Roseburg Parks and Recreation Commission as the City's "Tree Board";

**NOW THEREFORE**, the Roseburg City Council ordains as follows:

**SECTION 1.** Roseburg Municipal Code Subsection 2.24.020, which outlines the duties and responsibilities of the Parks and Recreation Commission, is hereby amended to read as follows:

**2.24.020 Duties—Responsibilities.** The duties and responsibilities of the Commission shall include, but not be limited to the following:

- A.** To make a continuing review of any and all rules and regulations regarding the Roseburg Parks System which includes all properties now or hereafter owned and/or controlled by the City and operated as parks, municipal golf courses, recreational sites or areas of City beautification available for the use of the public;
- B.** To consider and prepare plans identifying long-range goals and objectives, potential improvements to the operation and management programs and needed capital improvement projects for the Parks System, and to plan strategies for the implementation thereof;
- C.** To investigate, study and establish a means of effective and economic operations and management of the Parks System, including the financial parameters for operating a municipal golf course within the enterprise fund structure to ensure present and future operational, maintenance and improvement needs of the municipal golf course are met on a self-supporting basis;
- D.** To review all existing fee schedules and other revenue-generating sources such as grants, trust funds, etc. on an annual basis and make recommendations to the Budget Committee and Council on all budget requests for operation and management of the Parks System, fee schedule adjustments and/or revenue-generating opportunities;
- E.** To study and consider ways and means of improving the Parks System and services which are provided;
- F.** To authorize use of park property in accordance with adopted rules and regulations, and all applicable local, state and federal laws;

**G.** To make recommendations to the Council relative to all of the above-mentioned matters and as to any other matters which the Commission may feel to be for the good of the Parks System and the overall interest and benefit of the public;

**H.** Provide a forum for receiving citizen input regarding the Parks System and soliciting comments from the general public regarding the need for capital improvements within the Parks System;

**I.** To serve as the City of Roseburg's "Tree Board" and approve the standards and regulations outlined in the Tree Program in accordance with Roseburg Municipal Code Chapter 4.12.

**SECTION 2.** All other Sections and Subsections of Roseburg Municipal Code Chapter 2.24 shall remain in full force and effect as currently written.

**ADOPTED BY THE CITY COUNCIL ON THIS 9<sup>TH</sup> DAY OF MAY 2016.**

**APPROVED BY THE MAYOR ON THIS 9<sup>TH</sup> DAY OF MAY 2016.**

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

**ATTEST:**

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

e/c  
4/27/16

## ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

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### ORDINANCE GRANTING A TELECOMMUNICATIONS FRANCHISE TO ACCESS POINT, INC.

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**Meeting Date:** May 9, 2016  
**Department:** City Recorder  
**www.cityofroseburg.org**

**Agenda Section:** ORDINANCES  
**Staff Contact:** Sheila R. Cox  
**Contact Telephone Number:** 541/492-6866

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#### ISSUE STATEMENT AND SUMMARY

The City has received an application for a telecommunication franchise from Access Point, Inc. located in Longwood, Florida.

#### BACKGROUND

**A. Council Action History.** Council has not acted on this particular application.

**B. Analysis.** The subject application and associated fee was not received until April 25, 2016; however the company has been providing services in Roseburg since July 1, 2015 and has paid the appropriate fees since that date.

**C. Financial and/or Resource Considerations.** As a non-carrier provider of telecommunication services within Roseburg, Access Point, Inc. is required to pay a franchise fee of 5% of the gross revenues derived from customers within the City.

**D. Timing Issues.** As noted above, the application was just recently submitted, but service to Roseburg customers began on July 1, 2015. Therefore, Staff is requesting that the franchise be granted retroactively to that date. Such effective date will make the initial term of the franchise 2 years and 6 months, with an expiration date of December 31, 2017. The ordinance will also allow renewal options of three years each, for a total of five terms.

**STAFF RECOMMENDATION** Staff recommends that Council proceed with first reading of the ordinance, followed by second reading and adoption at the May 9, 2016 meeting to avoid further delay in issuing the franchise.

**SUGGESTED MOTION** If Council concurs with Staff's recommendation, Council will need to request first reading of the ordinance granting a telecommunications franchise to Access Point, Inc. effective retroactively to July 1, 2015 after which the following motions would be appropriate:

**#1** *"I MOVE TO SUSPEND THE RULES AND PROCEED WITH SECOND READING OF ORDINANCE NO. 3465.*

**#2** *"I MOVE TO ADOPT ORDINANCE NO. 3465."*

**ATTACHMENTS** Proposed Ordinance

cc: Access Point, Inc.  
Attn: Mark Lammert, Attorney-in-Fact  
740 Florida Central Parkway, Ste. 2028  
Longwood, FL 32750

Subject Franchise File  
Chrono File

**ORDINANCE NO. 3465**  
**AN ORDINANCE GRANTING A TELECOMMUNICATION FRANCHISE**  
**TO ACCESS POINT, INC. EFFECTIVE RETROACTIVELY TO JULY 1, 2015**

**SECTION 1. Grant of Franchise.** The City of Roseburg, hereinafter called "City", hereby grants Access Point, Inc., hereinafter called "Franchisee", the non-exclusive right to use and occupy all public ways within the Franchise Territory, solely for the purposes described herein, for a period of two years and six months beginning retroactively to July 1, 2015 and ending December 31, 2017, following Franchisee's acceptance of the Franchise as provided in Section 11 of this Ordinance.

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

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

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

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

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

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

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

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

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

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

### **SECTION 7. Notices and Authorized Representatives.**

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

**If to City:**

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

**If to Franchisee:**

Access Point, Inc.  
ATTN: Mark Lammert  
740 Florida Central Parkway, #2028  
Longwood, FL 32759  
E-mail: [mark@csilongwood.com](mailto:mark@csilongwood.com)  
Phone: 407/260-1011

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

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

**Contact Person's Name:** Mark Lammert, Attorney-in-Fact

**Mailing Address:** 740 Florida Central Parkway #2028, Longwood, FL 32759

**Telephone:** 407/260-1011

**Email:** [mark@csilongwood.com](mailto:mark@csilongwood.com)

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

**SECTION 9. Representation and Warranty of Franchisee.** By executing this document, Franchisee represents and warrants that it is familiar with all provisions of this Franchise, including those contained in this Ordinance, and that it accepts and agrees to be bound by all terms, conditions and provisions set forth herein.

**SECTION 10. Franchise Effective Date.** Franchisee began serving Roseburg customers on July 1, 2015; submitted an application requesting a telecommunications franchise and paid the application processing fee on April 25, 2016. The Roseburg City Council approved such request at its meeting on May 9, 2016; and hereby authorizes this Franchise to take effect retroactively on July 1, 2015 and expire on December 31, 2017, provided Franchisee satisfies the acceptance requirements of Section 11 of this Ordinance.

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

**ADOPTED BY THE CITY COUNCIL ON THIS 9<sup>th</sup> DAY OF MAY, 2016.**

**APPROVED BY THE MAYOR ON THIS 9<sup>th</sup> DAY OF MAY, 2016.**

**MAYOR LARRY RICH**

\_\_\_\_\_  
Larry Rich

**ATTEST:**

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

**(Franchisee's Acceptance on Following Page)**

**FRANCHISEE'S ACCEPTANCE OF ORDINANCE NO. 3465**

This Ordinance is hereby accepted by Access Point, Inc. on this \_\_\_\_ day of \_\_\_\_\_, 2016.

By: \_\_\_\_\_  
(Signature)

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

Title: \_\_\_\_\_

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

State of \_\_\_\_\_)

) ss.

County of \_\_\_\_\_)

This acceptance was signed before me on \_\_\_\_\_, 2016 by, \_\_\_\_\_ as \_\_\_\_\_ of Access Point, Inc.

Notary Public for \_\_\_\_\_

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

My commission expires on: \_\_\_\_\_

.....  
Acceptance received by City Recorder on \_\_\_\_\_, 2016.

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

o/c  
5/3/16



# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

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## ORDINANCE GRANTING AN ELECTRIC UTILITY FRANCHISE TO PACIFICORP

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**Meeting Date:** May 9, 2016  
**Department:** City Recorder  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

**Agenda Section:** ORDINANCES  
**Staff Contact:** Sheila R. Cox *SRC*  
**Contact Telephone Number:** 492-6866

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**ISSUE STATEMENT AND SUMMARY** Council will be considering an ordinance granting a non-exclusive electric utility franchise to PacifiCorp dba Pacific Power.

### BACKGROUND

- A. Council Action History.** Council granted the existing electric utility franchise to PacifiCorp via the adoption of Ordinance 2937 on April 8, 1996. The franchise carried a ten year term with an option for one additional ten year term. The second term expired April 8, 2016, but on March 28, Council agreed to extend the expiration date to June 30, 2016, or until a new franchise agreement is negotiated, whichever occurs first.
- B. Analysis.** Staff and Pacific Power representatives have agreed to terms and conditions of a new agreement, with a 10-year term beginning July 1, 2016 and expiring on June 30, 2026. The new agreement increases the franchise fee from 7% to 9% of the gross revenues PacifiCorp derives from customers located within City limits. Other operational changes to the franchise were agreed to by both parties.
- C. Financial and/or Resource Considerations.** As stated above, the City will collect an additional 2% in franchise fees under the new agreement, which will generate in excess of \$400,000 in revenue to the City.
- D. Timing Issues.** As noted, the expiration date was extended to July 1, 2016 or until a new agreement was reached. Even though the negotiations have concluded, both parties are requesting that the new agreement become effective July 1, 2016 in order for Pacific Power to notify customers of the increase. PacifiCorp is required to provide written acceptance of the franchise within 30 days of the date Council adopts the ordinance granting the franchise.

**COUNCIL OPTIONS** Council may proceed with first reading of the ordinance granting the franchise; request modification of the ordinance or elect not to grant the franchise.

**STAFF RECOMMENDATION** Staff recommends Council proceed with first reading of the ordinance granting an electric utility franchise to PacifiCorp effective July 1, 2016.

**SUGGESTED MOTION** If Council supports Staff's recommendation, all that is needed at this meeting is a consensus to proceed with first reading.

**ATTACHMENTS** 1. Proposed Ordinance  
cc:VP-Customer and Community Affairs; Vice President, Pacific Power 825 NE Multnomah, Portland, OR 97232; Subject Franchise & Chrono File

**ORDINANCE NO. 3466**  
**AN ORDINANCE GRANTING A NON-EXCLUSIVE ELECTRIC UTILITY FRANCHISE**  
**TO PACIFICORP AND REPEALING ORDINANCE NO. 2937 AND NO. 3317**

**WHEREAS**, PacifiCorp d.b.a. Pacific Power (hereinafter referred to as "Grantee"), is a regulated public utility that provides electric power and energy to the citizens of the City of Roseburg (hereinafter referred to as "Grantor") and other surrounding areas;

**WHEREAS**, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public way of the Grantor; and

**WHEREAS**, the Grantor desires to set forth the terms and conditions by which Grantee shall use the Grantor's public way;

**NOW, THEREFORE, THE ROSEBURG CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1. GRANT OF FRANCHISE.** The Grantor hereby grants to Grantee, the right, privilege and authority ("Franchise") to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as "Electric Facilities") in, under, along, over and across:

- (a) Grantor's streets, alleys, bridges and rights of way;
- (b) Property owned by the Grantor over which Grantee maintains existing Electric Facilities as of July 1, 2016; and
- (c) All public utility easements accepted by Grantor (except for public utility easements in which Grantee's rights to locate therein are derived from private easement grants)

within the Grantor's corporate limits (collectively referred to herein as the "Public Way"), for the purpose of supplying and transmitting electric power and energy to the Grantor and its inhabitants.

**SECTION 2. SERVICE STANDARDS.** The service to be provided by Grantee shall be provided in accordance with Grantee's tariffs, including Oregon Rule 14, and all applicable laws and regulations.

Unless otherwise specified in a service agreement, electric service is intended to be continuously available. It is inherent, however, that there will at times be some degree of failure, interruption, suspension, curtailment or fluctuation. The Grantee does not guarantee constant or uninterrupted delivery of electric service and shall have no liability to its customers or any other persons for any interruption, suspension,

curtailment or fluctuation in electric service or for any loss or damage caused thereby if such interruption, suspension, curtailment or fluctuation results from the following:

- (a) Causes beyond the Grantee's reasonable control including, but not limited to, accident or casualty, fire, flood, drought, wind, action of the elements, court orders, litigation, breakdown of or damage to facilities of the Grantee or of third parties, acts of God, strikes or other labor disputes, civil, military or governmental authority, electrical disturbances originating on or transmitted through electrical systems with which the Grantee's system is interconnected and acts or omissions of third parties;
- (b) Repair, maintenance, improvement, renewal or replacement of facilities, or any discontinuance of service which, in Grantee's judgment, is necessary to permit repairs or changes to be made in Grantee's generating, transmission or distribution facilities or to eliminate the possibility of damage to Grantee's property or to the persons or property of others. To the extent practicable, such work, repairs or changes shall be done in a manner which will minimize inconvenience to the customer and, whenever practicable, the customer shall be given reasonable notice to such work, repairs or changes;
- (c) Automatic or manual actions taken by the Grantee, which in its sole judgment are necessary or prudent to protect the performance, integrity, reliability or stability of the Grantee's electrical system or any electrical system with which it is interconnected. Such actions shall include, but shall not be limited to, the operation of automatic or manual protection equipment installed in the Grantee's electrical system, including, without limitation, such equipment as automatic relays, generator controls, circuit breakers and switches; and/or
- (d) Actions taken by Grantee to conserve energy at times of anticipated deficiency of resources shall be in accordance applicable tariffs.

**SECTION 3. TERM.** The term of this Franchise is for ten (10) years commencing effective July 1, 2016, upon acceptance by the Grantee as set forth in Section 4 below.

**SECTION 4. ACCEPTANCE BY GRANTEE.** Immediately following the adoption of this ordinance by the City Council of the Grantor, the City Recorder shall forward a copy thereof to the Grantee. The Grantee shall sign the Acceptance Form attached hereto as Exhibit "A" and return the same to the City Recorder within thirty (30) days of the date the ordinance was adopted. If Grantee fails to sign and return the Acceptance Form as required by this Section, this ordinance and Franchise granted herein shall become null and void.

**SECTION 5. NON-EXCLUSIVE FRANCHISE.** The right to use and occupy the Public Way of the Grantor shall be nonexclusive and the Grantor reserves the right to use the Public Way for itself or any other entity that provides service to Grantor's residents;

provided, however, that such use shall not unreasonably interfere with Grantee's Electric Facilities or Grantee's rights granted herein.

**SECTION 6. GRANTOR REGULATORY AUTHORITY.** In addition to the provisions herein contained, the Grantor reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Oregon, the laws of Oregon or local ordinances.

**SECTION 7. INDEMNIFICATION.** The Grantor shall in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by Grantee of its Electric Facilities. Grantee shall indemnify, defend and hold the Grantor harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of Grantee's use of the Grantor's Public Way, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. The Grantor shall:

- (a) Give prompt written notice to Grantee of any claim, demand or lien with respect to which the Grantor seeks indemnification hereunder; and
- (b) Unless in the Grantor's judgment a conflict of interest exists between the Grantor and Grantee with respect to such claim, demand or lien, permit Grantee to assume the defense of such claim, demand, or lien with counsel satisfactory to Grantor. If such defense is not assumed by Grantee, Grantee shall not be subject to liability for any settlement made without its consent.

Notwithstanding any provision hereof to the contrary, Grantee shall not be obligated to indemnify, defend or hold the Grantor harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the Grantor or any of its officers or employees.

**SECTION 8. INSURANCE.** Grantee shall secure and maintain automobile, comprehensive general liability and property damage insurance that protects Grantee and Grantor, as well as the Grantor's officers, agents, employees and volunteers as outlined herein. The policies shall be maintained by the Grantee throughout the term of this Franchise, and such other period of time during which the Grantee is engaged in the removal of its Electric Facilities. Upon request, Grantee shall furnish certificates of insurance acceptable to Grantor. The certificate shall include the deductible or retention level. The insurance policies may provide for self-retention or deductibles in reasonable amounts. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the term of this Franchise.

**8.1 Commercial General Liability.** Grantee shall maintain continuously a broad commercial general liability insurance policy with coverage of not less than \$2,000,000 combined single limit per occurrence, with an aggregate of \$4 million, for bodily injury, personal injury or property damage. The policy shall also contain an endorsement naming Grantor as an additional insured, on a form satisfactory to Grantor, and expressly provide that the interest of the Grantor shall not be affected by Grantee's breach of policy provisions. Such policy must be maintained in full force and effect for the duration of this Franchise, failure to do so shall be cause for immediate termination of this Franchise by Grantor. Any additional insured requirements included in this Franchise shall provide coverage that is primary and non-contributory. Claims Made policies will not be accepted.

**8.2 Commercial Automobile Liability.** Grantee shall maintain continuously a commercial automobile liability insurance policy for owned, non-owned and hired vehicles with a limit of two million dollars (\$2,000,000) for each person and four million dollars (\$4,000,000) for each accident.

**8.3 Grantor as Additional Insured.** The insurance shall be without prejudice to any coverage otherwise existing and shall name Grantor and its officers, agents, volunteers, and employees as an additional insured. Notwithstanding the naming of an additional insured, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing in this Section shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured. The coverage must apply as to claims between those insured on the policy.

**8.4 Notice of Cancellation.** The insurance policies shall provide that the insurance shall not be canceled or materially altered without thirty (30) days' prior written notice first being given to Grantor. If the insurance is canceled or materially altered within the term of this Franchise, Grantee shall provide a replacement policy with the same terms. Grantee shall maintain continuous uninterrupted coverage, in the terms and amounts required, upon and after July 1, 2016.

## **SECTION 9. ANNEXATION.**

**9.1 Extension of Grantor's Corporate Limits.** Upon the annexation of any territory to the Grantor's corporate limits, the rights granted herein shall extend to the annexed territory to the extent the Grantor has such authority. All Electrical Facilities owned, maintained, or operated by Grantee located within any Public Way of the annexed territory shall thereafter be subject to all of the terms hereof.

**9.2 Notice Required.** When any territory is approved for annexation to the Grantor's corporate limits, the Grantor shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to Grantor:

- (a) Each site address to be annexed as recorded on county assessment and tax rolls;
- (b) A legal description of the proposed boundary change; and
- (c) A copy of the Grantor's ordinance approving the proposed annexation.

The notice shall be mailed to:  
PacifiCorp Customer Contact Center  
P.O. Box 400  
Portland, Oregon 97202-0400

With a copy to:  
PacifiCorp  
Attn: Office of the General Counsel  
825 N.E. Multnomah, Suite 2000  
Portland, Oregon 97232

**9.3 Fees or Taxes.** Additional or increased fees or taxes, other than ad valorem taxes, imposed on Grantee as a result of an annexation of territory to the Grantor's corporate limits shall become effective on the effective date of the annexation provided notice is given to Grantee in accordance with ORS 222.005, as amended from time to time.

**SECTION 10. PLANNING, DESIGN, CONSTRUCTION AND INSTALLATION OF GRANTEE'S FACILITIES.**

**10.1 Applicable Laws.** All Electric Facilities installed or used under authority of this Franchise shall be located, installed, used, constructed and maintained in accordance with applicable federal, state, local and Grantor's laws, codes and regulations.

**10.2 Permit Required.** Except in the case of an emergency, Grantee shall, prior to commencing new construction, major reconstruction or major (capital) repair work in the Public Way, apply for a permit from the Grantor which permit shall not be unreasonably withheld, conditioned, or delayed. Grantee will abide by all applicable ordinances, rules, regulations and requirements of the Grantor; and the Grantor may inspect the manner of such work and require remedies as may be necessary to assure compliance. In the event emergency repairs are needed to Grantee's Facilities in the Public Way, Grantee shall promptly notify Grantor of the need for such repairs. Grantee may immediately initiate such emergency repairs, and shall apply for the appropriate permits, if applicable, no later than the fifth (5th) business day following the discovery of the emergency.

**10.3 Construction Schedule and Maps.** Before beginning any new construction in the Public Way, Grantee shall provide Grantor through the permitting process with an initial construction schedule for the work with its permit application. Grantee will also provide a one line sketch and map identifying the work to be performed and the location. If alterations are made to the proposed work, an "as built" will be provided after construction. Maps shall be in a form acceptable to both Grantee and Grantor.

**10.4 Limited Interference.** All Electric Facilities shall be located and installed so as to cause minimum interference with the Public Way of the Grantor and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the Grantor.

**10.5 Damage and Restoration.** If, during the course of work on its Electrical Facilities, Grantee causes damage to, disturbs or alters the Public Way, Grantee shall (at its own cost and expense and in a manner preapproved by the Grantor) promptly replace, repair and restore the Public Way to a condition comparable to that which existed before the work commenced; provided that Grantee shall restore concrete cuts and asphalt work in roadways in such a manner as to meet Grantor's current construction standards.

**10.6 New Facilities Underground.** In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, Grantee shall, upon payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by an ordinance of the Grantor.

**10.7 Grantor's Right to Use Facilities.** The Grantor shall have the right without cost to use all poles and suitable overhead structures owned by Grantee within the Public Way for Grantor's wires used in connection with its fire alarms, police signal systems, traffic control systems or other communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the Grantor for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that Grantee shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by the Grantor shall be in such a manner as to prevent safety hazards or interferences with Grantee's use of same. Nothing herein shall be construed to require Grantee to increase pole size, or alter the manner in which Grantee attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. Subject to the other requirements of this Paragraph, if there is insufficient space available on Grantee's Electric Facilities, such Electric Facilities may be changed, altered or rearranged at the expense of the Grantor so as to provide proper clearance for such wires or appurtenances. Grantor attachments shall be installed and maintained in accordance with the requirements of Grantee and the current edition of the National Electrical Safety Code pertaining to such construction. Further, Grantor attachments shall be attached or installed only after written approval by Grantee. Grantee agrees that each contract or agreement it executes with any other entity which allows said entity to use Grantee's Facilities in the Public Way will require the entity to obtain prior authorization by licensee, franchise or other suitable agreement from Grantor to operate within Grantor's area of jurisdiction.

**10.8 Excavation.** Grantee shall have the right to excavate the Public Way subject to reasonable conditions and requirements of the Grantor. Before installing new underground conduits or replacing existing underground conduits, Grantee shall first

notify the Grantor of such work and shall allow the Grantor, at its own expense, to share the trench of Grantee to lay its own conduit therein, provided that such action by the Grantor will not unreasonably interfere with Grantee's Electric Facilities or delay project completion.

**10.9 Notice of Work by Grantor.** Before commencing any major (capital) street improvements within the Public Way that may affect Grantee's Electric Facilities, the Grantor will give written notice to Grantee.

**10.10 Grantee's Access.** No structures, buildings or signs shall be erected in a location that prevents Grantee from accessing or maintaining its Electric Facilities.

**SECTION 11. REMOVAL, RELOCATION OR TEMPORARY REARRANGEMENT OF ELECTRIC FACILITIES.**

**11.1 Public Interest.** Whenever Grantor requires Grantee to remove, relocate or temporarily rearrange overhead or underground Electric Facilities within the Public Way in connection with a project of the Grantor that is in the interest of public convenience, necessity, health, safety or welfare, including but not limited to a local improvement, Grantee shall perform such work at its own expense and at no cost to the Grantor. Grantee shall commence such removal, relocation or temporary rearrangement within sixty (60) days after written notice from the Grantor or such longer period as may be required if despite Grantee's diligent efforts, it is not reasonably practical for Grantee to commence such work within sixty (60) days and shall diligently prosecute such work to completion. Before requiring the removal, relocation or temporary rearrangement of Electric Facilities, the Grantor shall, with the assistance and consent of Grantee, identify a reasonable alignment for the removed, relocated or temporarily rearranged Electric Facilities within the Grantor's Public Way. In cases of improvement projects undertaken by the Grantor, Grantee shall convert existing overhead distribution facilities to underground, so long as Grantee is allowed to collect the costs associated with conversion from overhead to underground distribution facilities consistent with OAR 860-022-0046, the Oregon Public Utility Commission rule on forced conversions.

**11.2 Private Interest.** Notwithstanding Section 11.1, Grantee shall not be obligated to pay the cost of any removal, relocations or temporary rearrangements that is required or made a condition of private development, including development of a non-City governmental agency. If the removal or relocation of facilities is caused directly or otherwise by an identifiable development of property in the area, or is made for the convenience of a customer, Grantee may charge the expense of removal or relocation to the developer or customer to recover the cost for the relocation work. For example, Grantee shall not be required to pay relocation costs in connection with a road widening or realignment where the road project is made a condition a permit issued to a private development. In such event, the Grantor shall require the developer to pay Grantee for such relocation costs as part of its approval procedures.

**11.3 Moving of Buildings or Structures.** Upon reasonable advance notice from Grantor, when necessary in order to permit any duly authorized person to move any building or structure across or along any Public Way within Grantor's boundaries, Grantee shall temporarily raise or remove its Facilities from such Public Way at such time and in such manner as may be reasonably required to accommodate such moving, consistent with the maintenance of proper service to Grantee's customers. The cost to Grantee for such temporary raising or removal, and of any interruption of Grantee's service to its customers caused by such action, shall be paid or satisfactorily secured to Grantee by the owner or mover of such building or structure in advance of the raising or removal of Grantee's Facilities.

**SECTION 12. VEGETATION MANAGEMENT.** Subject to all of Grantor's present and future charter provisions, ordinances, rules and regulations with regard to tree pruning, Grantee or its contractor may prune all trees and vegetation which overhang the Public Way, whether such trees or vegetation originate within or outside the Public Way to prevent the branches or limbs or other part of such trees or vegetation from interfering with Grantee's Electrical Facilities. Grantee shall prune or cut back said trees or vegetation in compliance with Oregon Public Utility Commission and National Electric Safety Code. Such pruning shall comply with the American National Standard for Tree Care Operation (ANSI A300) and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic. Nothing contained in this Section shall prevent Grantee, when necessary and with the written approval of the owner of the property upon which trees may be located, from cutting down and removing any trees which overhang in the Public Way. Except as otherwise provided under applicable laws and regulations Grantee will notify property owners of the pruning activities and acquire written permission from the property owner prior to tree or vegetation removal. In the event of a conflict between Grantor's charter provisions, ordinances, rules and regulations with regard to tree pruning and requirements of Oregon state law, the Oregon Public Utility Commission and/or the National Electric Safety Code, the provisions of Oregon state law, Oregon Public Utility Commission and National Electric Safety Code shall prevail.

**SECTION 13. FRANCHISE FEE.**

**13.1 Fee Based on Gross Revenues.** In consideration of the rights, privileges, and Franchise hereby granted, Grantee shall pay to Grantor from and after July 1, 2016, a franchise fee equivalent to nine percent (9%) of its gross revenues derived from within the Grantor's corporate limits. The term "gross revenue" as used herein shall be construed to mean any revenue of Grantee derived from the sale and use of electric power and energy within the municipal boundaries of the Grantor after adjustment for the net write-off of uncollectible accounts and corrections of bills, in each case, of customers within Grantor's corporate boundaries. Said franchise fee shall be paid monthly on or before the 25<sup>th</sup> of each month during the term of the Franchise, and shall be calculated upon the gross operating revenue accrued during the previous calendar month or portion thereof.

**13.2 Grantor's Review of Computations.** All amounts paid under this Section 13 shall be subject to review by the Grantor; provided that only payments which occurred during a period of thirty-six (36) months prior to the date the Grantor notifies Grantee of its intent to conduct a review shall be subject to such review.

**13.3 Increase in Franchise Fee.** Notwithstanding any provision to the contrary, at any time during the term of this Franchise Grantor may elect to increase the franchise fee amount as may then be allowed by state law. The Grantor shall provide Grantee with prior written notice of such increase following adoption of the change in percentage by the Grantor. The increase shall be effective sixty (60) days after Grantor has provided such written notice to Grantee.

**13.4. Other Fees and Taxes.** The franchise fee shall not be in addition to any other license, occupation, franchise or excise taxes which might otherwise be levied or collected by the Grantor from Grantee with respect to Grantee's electric business or the exercise of this Franchise within the corporate limits of the Grantor. The amount due to the Grantor under any such other license, occupation, franchise or excise taxes for corresponding periods shall be reduced by deducting there from the amount of said franchise fee paid hereunder.

#### **SECTION 14. RENEWAL, EXTENSION, AND TERMINATION RIGHTS.**

**14.1** Upon the expiration of this Franchise, the Grantor shall have the right, at its election, to: renew or extend the Franchise to Grantee on terms mutually acceptable to both parties; invite additional proposals and award the franchise to another grantee; or terminate Grantee's rights and responsibilities established by this Franchise.

**14.2** Until such time as the Grantor exercises its rights under Section 14.1, Grantee shall continue to provide service to Grantor's inhabitants and Grantee's and Grantor's rights and responsibilities within the Grantor's corporate limits shall continue to be controlled by the terms of this Franchise.

**SECTION 15. NO WAIVER.** Neither the Grantor nor Grantee shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

**SECTION 16. TRANSFER OF FRANCHISE.** Grantee shall not transfer or assign any rights under this Franchise to another entity, except transfers and assignments by operation of law, unless the Grantor shall first give its approval in writing, which approval shall not be unreasonably withheld; provided, however, inclusion of this Franchise as property subject to the lien of Grantee's mortgage(s) shall not constitute a transfer or assignment.

**SECTION 17. AMENDMENT.** At any time during the term of this Franchise, the Grantor, through its City Council, or Grantee may propose amendments to this Franchise by giving thirty (30) days written notice to the other of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by Grantor and Grantee, formally adopted by Grantor as an ordinance amendment and officially accepted in writing by Grantee.

**SECTION 18. NON-CONTESTABILITY—BREACH OF CONTRACT.**

**18.1 Interpretation.** Neither Grantor nor Grantee will take any action for the purpose of securing modification of this Franchise before either the Oregon Public Utility Commission or any Court of competent jurisdiction; provided, however, that neither shall be precluded from taking any action it deems necessary to resolve difference in interpretation of the Franchise nor shall Grantee be precluded from seeking relief from the Courts in the event Oregon Public Utility Commission orders, rules or regulations conflict with or make performance under the Franchise illegal.

**18.2 Failure to Perform.** In the event Grantee or Grantor fails to fulfill any of their respective obligations under this Franchise, the Grantor, or Grantee, whichever the case may be, will have a breach of contract claim and remedy against the other in addition to any other remedy provided by law, provided that no remedy which would have the effect of amending the specific provisions of this Franchise shall become effective without such action which would be necessary to formally amend the Franchise.

**SECTION 19. NOTICES.** Unless otherwise specified herein, all notices or other communications between Grantor and Grantee pursuant to or concerning this Franchise shall be sent by first class certified mail or confirmed express courier delivery to the following persons and locations (or such other office as Grantee or Grantor may advise the other by written notice provided in accordance with this Section):

**If to Grantor:**  
City Recorder's Office  
Roseburg City Hall  
900 SE Douglas  
Roseburg, Oregon 97470

**If to Grantee:**  
Customer and Community Affairs  
Vice President, Pacific Power  
825 NE Multnomah  
Lloyd Center Tower Suite 2000  
Portland, Oregon 97232,

**SECTION 20. SEVERABILITY.** If any section, subsection, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent

provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

**SECTION 21. WAIVER OF JURY TRIAL.** To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this Franchise. Grantor and Grantee further waive any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

**SECTION 22. REPEAL OF PRIOR ORDINANCES.** Upon Grantee's formal acceptance of this ordinance and the terms, conditions and obligations of the Franchise granted herein in accordance with Section 4 of this ordinance, Ordinance No. 2937 as adopted by the City Council on April 8, 1996, and Ordinance No. 3317 amending said ordinance as adopted by the City Council on October 12, 2009, shall be repealed and the prior franchise granted and amended by said ordinances shall be terminated.

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

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

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

ATTEST:

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

\*\*\*\*\*GRANTEE'S ACCEPTANCE ON FOLLOWING PAGE \*\*\*\*\*

**EXHIBIT "A" TO ORDINANCE NO. 3466  
GRANTEE'S ACCEPTANCE**

This ordinance, and the Franchise granted herein, is hereby accepted by PacifiCorp, dba Pacific Power, on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

By: \_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_  
(Printed)

Title: \_\_\_\_\_

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

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

This acceptance was signed before me on this \_\_\_\_ day of \_\_\_\_\_, 2016  
by \_\_\_\_\_ as \_\_\_\_\_ of PacifiCorp dba  
Pacific Power.

\_\_\_\_\_  
Notary for: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

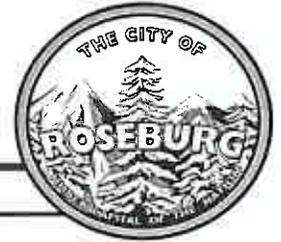
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Acceptance received by the City Recorder on this \_\_\_\_ day of \_\_\_\_\_, 2016.

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

40  
5/13/16

# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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## CRIMINAL ACTIVITY ORDINANCES

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**Meeting Date:** May 9, 2016  
**Department:** Administration  
[www.cityofrosburg.org](http://www.cityofrosburg.org)

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

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### ISSUE STATEMENT AND SUMMARY

The City Council is asked to consider adoption of three ordinances intended to address concerns regarding criminal activities.

### 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.

**B. Analysis.** Criminal activity has increased in downtown and in some of our parks over the last few years. In response, individuals have approached City Council expressing concern. Some have advocated for much more strenuous enforcement of current Municipal Code violations while others advocate for less enforcement. The issues involved are very complicated and extremely diverse. This is not an issue that relates specifically to homeless/unhoused individuals; however a number of comments received during Council audience participation have characterized their comments as "homeless" issues.

The work study discussion included an update on the community policing/enforcement actions currently being utilized, the legal framework under which we do and can operate and some of the community involvement in attempting to mitigate the negative activities. As a first step toward mitigation, Staff has prepared the following three ordinances:

#### Enhanced Law Enforcement Area

This ordinance establishes an Enhanced Law Enforcement Area (ELEA) in the downtown core. The ELEA is designated to protect the public from those whose illegal conduct poses a threat to safety and welfare. A person may be prohibited from entering or remaining in the area within 500 feet of the ELEA for a period of 180 days if that person has been cited to appear, arrested or otherwise taken into custody within an ELEA for a variety of crimes listed in the ordinance on three or more occasions within the ELEA.

### Chronic Nuisance Properties

The purpose of this ordinance is to reduce/eliminate the activities that now require a number of calls for police services at or near properties with a history of requiring a disproportionately high demand for police services. The ordinance allows the Chief of Police to declare a property a "chronic nuisance" if the police have documented multiple nuisance responses at a specific property over a specified period of time. The owner or person in charge of a nuisance property may be charged up to \$100.00 per day until the Chronic Nuisance is satisfactorily resolved. The ordinance defines a chronic nuisance property as one in which three nuisance activities occur within a thirty day period.

### Regulations Regarding Shopping Carts

Staff has 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.

**C. Financial and/or Resource Considerations.** Adoption of the ordinances 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.

Given the current environment and our recent discussion at the work study session regarding the criminal behavior in certain areas, once we determine how to most effectively deal the existing and future activities, we may bring a package of costs back to Council to consider. We are also applying for various federal program grants that may allow us to better perform the necessary community policing in ELEAs as well other areas of the community that warrant additional enforcement.

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

### **COUNCIL OPTIONS**

The City Council has the option to:

1. Proceed with first reading on one, two or all three of the proposed ordinances.
2. Direct Staff to make amendment to one, two or all three of the proposed ordinances.
3. Decline to take action on one, two or all three of the proposed ordinances.

**STAFF RECOMMENDATION**

Staff recommends the City Council proceed with first reading on all three ordinances.

**SUGGESTED MOTION**

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

**ATTACHMENTS**

1. Enhanced Law Enforcement Area
2. Chronic Nuisance Property
3. Adopting ORS 98.520 re: Shopping Carts

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE ADDING CHAPTER 7.12 TO THE ROSEBURG MUNICIPAL CODE**  
**ESTABLISHING REGULATIONS REGARDING**  
**ENHANCED LAW ENFORCEMENT AREAS**

**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; and

**WHEREAS**, residents, visitors and business owners have, with increasing frequency and urgency, expressed concern to City elected officials and staff about a growing number of incidents of unlawful behavior in the City's downtown area;

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

**SECTION 1.** Chapter 7.12 entitled "Enhanced Law Enforcement Areas" is hereby added to Title 7 of the Roseburg Municipal Code to read as follows:

**ENHANCED LAW ENFORCEMENT AREAS**

- 7.12.010**     **Enhanced Law Enforcement Areas**
- 7.12.015**     **Civil Exclusion**
- 7.12.020**     **Exclusion Enforcement**
- 7.12.025**     **Issuance of Exclusion Notices**
- 7.12.030**     **Procedure for Exclusion**
- 7.12.035**     **Appeal and Variance**

**7.12.010**     **ENHANCED LAW ENFORCEMENT AREAS.**     Enhanced law enforcement areas are designated to protect the public from those whose illegal conduct poses a threat to safety and welfare. Enhanced law enforcement areas include the area within the City of Roseburg encircled by the following boundary (and including those portions of the streets and right-of-ways mentioned herein): beginning at the railroad crossing of the CORP railroad right-of-way at SE Mosher Avenue, thence southeasterly along SE Mosher Avenue to SE Main Street, thence northeasterly along SE Main Street to SE Lane Avenue, thence southeasterly along SE Lane Avenue to SE Kane Street, thence northeasterly along SE Kane Street to SE Douglas Avenue, thence southeasterly along SE Douglas Avenue to SE Fowler Street, thence northerly along SE Fowler Street to NE Diamond Lake Boulevard, thence westerly along NE Diamond Lake Boulevard to SE Stephens Street and extending across SE Stephens Street along the same westerly line to the CORP railroad right-of-way, thence southwestery along the CORP railroad right-of-way to the point of beginning.

**7.12.015 CIVIL EXCLUSION.** A person is subject to exclusion for a period of 180 days from entering or remaining within an enhanced law enforcement area if that person has been cited to appear, arrested or otherwise taken into custody within an enhanced law enforcement area for a total of three (3) or more instances of unlawful behavior within the enhanced law enforcement area. For purposes of this Chapter, unlawful behavior means violating or being charged with violating any of the following:

- A. Any assault, as defined by ORS 163.160 through 163.185 and 163.208;
- B. Strangulation, as defined by ORS 163.187;
- C. Menacing, as defined by ORS 163.190;
- D. Harassment, as defined by ORS 166.065 and 166.070;
- E. Disorderly conduct, as defined by ORS 166.023 and 166.025;
- F. Recklessly endangering, as defined by ORS 163.195;
- G. Coercion, as defined by ORS 163.275;
- H. Any sexual offense, as defined by ORS 163.355 through 163.465;
- I. Endangering the welfare of a minor, as defined by ORS 163.575;
- J. Any offense under State law governing the possession, distribution, sale or manufacture of a controlled substance;
- K. Any offense under State law governing the possession, use, distribution or sale of alcoholic beverages;
- L. Possessing or using a weapon in violation of ORS 166.180, 166.190, 166.220, 166.240, 166.250 or 166.272;
- M. Any degree of criminal mischief, as defined by ORS 164.305 through 164.365;
- N. Graffiti as defined in ORS 164.381 through 164.386;
- O. Arson or reckless burning as defined in ORS 164.305 through 164.335;
- P. Theft as defined in ORS 164.015 through 164.095;
- Q. Littering, as defined in ORS 164.775 through 164.805;
- R. Possession of tobacco by a minor in violation of ORS 167.400;
- S. Unlawful drinking in public places as defined in RMC 7.02.030;
- T. Public urination as defined in RMC 7.02.050;
- U. Prohibited camping as defined in RMC 7.02.100.

**7.12.020 EXCLUSION ENFORCEMENT.** If a person excluded from an enhanced law enforcement area is found within the perimeter of the enhanced law enforcement area during the exclusion period, that person may be arrested for trespass in the second degree, as defined by ORS 164.245. A person is not considered to be within the civil exclusion area if the person is within a vehicle that is passing through the exclusion area.

**7.12.025 ISSUANCE OF EXCLUSION NOTICES.** The Chief of Police is designated as the person in charge of enhanced law enforcement areas for the purpose of issuing exclusion notices in accordance with this Chapter. The Chief of Police may authorize employees of the Police Department to issue exclusion notices in accordance with this Chapter.

**7.12.030 PROCEDURE FOR EXCLUSION.**

**A.** At the time a person is cited to appear, arrested or otherwise taken into custody within an enhanced law enforcement area for any of the offenses specified in RMC 7.12.015, if the person has committed two (2) or more previous instances of unlawful behavior within the enhanced law enforcement area, the officer making such arrest may deliver to that person a written notice excluding that person from the enhanced law enforcement area. Any exclusion notice shall not take effect until the sixth day after the notice is issued.

**B.** The notice shall specify the area from which the person is excluded, the length of the exclusion, the penalty for entering the excluded area and contain information concerning the right to appeal the exclusion to the Judge of the Municipal Court.

**C.** The person to whom the exclusion is issued shall sign a written acknowledgement of receipt of the notice. If that person refuses to sign the acknowledgement, the arresting officer shall make a written record of the refusal.

**7.12.035 APPEAL AND VARIANCE.**

**A.** The person to whom an exclusion notice is issued shall have the right to an appeal from the issuance of the notice. The exclusion notice will notify the person of the right to appeal and process for appeal.

**1.** An appeal of the exclusion must be filed, in writing, within five calendar days of the issuance of the notice. The appeal must be filed with the Municipal Court. If the fifth day is a day on which the Municipal Court is not open, the appeal may be filed on the first day the Municipal Court is open for business, and the exclusion shall not take effect until the close of business on that day. A hearing on the appeal shall be held before the Judge of the Municipal Court within 20 calendar days of the appeal. The exclusion shall be stayed during the pendency of the appeal.

**2.** The City shall have the burden to show by a preponderance of evidence that the exclusion was based upon the conduct proscribed by RMC 7.12.015. Copies of documents in its control and which are intended to be used by the City at the hearing shall be made available to the appellant at least two days prior to the hearing.

**3.** A determination by a court having jurisdiction of the matter that the officer who issued the exclusion notice at the time had probable cause to arrest the person to whom the exclusion notice was issued for the conduct described in RMC 7.12.015 shall be prima facie evidence that the exclusion was based on conduct prohibited by those statutes.

**B.** Variances from the exclusion may be granted at any time during the exclusion period by the Chief of Police, or by the Municipal Court.

C. The Chief of Police or the Municipal Court shall grant a variance to any person who can establish that he or she is a resident of the exclusion zone, is employed within the exclusion zone, or will use the waiver to visit the residence of a family member, to consult with an attorney, to attend alcohol or drug treatment sessions, to attend religious services or otherwise exercise a constitutional right. A variance may also be granted when, in the discretion of the Chief of Police or the Municipal Court, the exclusion order is no longer necessary to preserve public safety. The denial of a variance may be appealed within five days to the Municipal Court using the same procedures as for an appeal of the imposition of the exclusion.

D. All variances shall be in writing, for a specific period of time and only to accommodate a specific purpose, all of which shall be stated on the variance.

E. The person shall keep the variance on his or her person at all times the person is within the exclusion area.

**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**

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE ADDING CHAPTER 7.14 TO THE ROSEBURG MUNICIPAL CODE**  
**ESTABLISHING REGULATIONS REGARDING CHRONIC NUISANCE PROPERTIES**

**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 7.14 entitled "Chronic Nuisance Property" is hereby added to Title 7 of the Roseburg Municipal Code to read as follows:

**CHRONIC NUISANCE PROPERTY**

- 7.14.010**      **Definitions.**
- 7.14.020**      **Violation.**
- 7.14.030**      **Procedure.**
- 7.14.040**      **Commencement of Actions; Remedies; Burden of Proof.**
- 7.14.050**      **Summary Closure.**
- 7.14.060**      **Enforcement .**
- 7.14.070**      **Attorney Fees.**

**7.14.010**      **DEFINITIONS.** When not clearly otherwise indicated by the context, the following words and phrases as used in this Chapter shall have the following meanings:

**"Chronic Nuisance Property" means:**

1. Property on which three or more Nuisance Activities exist or have occurred during any thirty (30) day period; or,
  
2. Property on which, or within 200 feet of which, any Person Associated With the Property has engaged in three (3) or more Nuisance Activities during any thirty (30) day period; or,
  
3. Property which, upon request for execution of a search warrant, has been the subject of a determination by a court that probable cause that possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, 475.005 through 475.285 and/or 475.940 through 475.995 has occurred within the previous thirty (30) days, and the Chief of Police has determined that the search warrant was based on evidence of continuous or repeated Nuisance Activities at the Property.

**"Control"** means the ability to regulate, restrain, dominate, counteract or govern Property, or conduct that occurs on a Property.

**“Nuisance Activities”** means any of the following activities, behaviors or conduct:

1. Harassment as defined in ORS 166.065(1)(a).
2. Intimidation as defined in ORS 166.155 through 166.165.
3. Disorderly conduct as defined in ORS 166.025.
4. Assault or menacing as defined in ORS 163.160 through ORS 163.190.
5. Sexual abuse, contributing to the delinquency of a minor, or sexual misconduct as defined in ORS 163.415 through ORS 163.445.
6. Public indecency as defined in ORS 163.465.
7. Prostitution or related offenses as defined in ORS 167.007 through ORS 167.017.
8. Alcoholic liquor violations as defined in ORS Chapter 471.105 through 471.482.
9. Offensive littering as defined in ORS 164.805.
10. Criminal trespass as defined in ORS 164.243 through 164.265.
11. Theft as defined in ORS 164.015 through 164.140.
12. Arson or related offenses as defined in ORS 164.315 through 164.335.
13. Possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, ORS 475.005 through 475.285, and/or 475.940 through 475.995.
14. Illegal gambling as defined in ORS 167.117, and/or ORS 167.142 through ORS 167.147.
15. Criminal mischief as defined in ORS 164.345 through 164.365.
16. Fire or discharge of a firearm as defined in RMC 7.02.080.
17. Noise disturbances as defined in RMC 7.02.140.
18. Unlawful drinking in public places as defined in RMC 7.02.030.
19. Curfew as defined in RMC 7.02.060.
20. Public urination as defined in RMC 7.02.050.

21. Any attempt to commit (as defined in ORS 161.405), and/or conspiracy to commit (as defined in ORS 161.450), any of the above activities, behaviors or conduct.

**“Person”** means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying or using Property in the City of Roseburg.

**“Person Associated With”** means any Person who, on the occasion of a Nuisance Activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a Property or Person present on a Property, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a Property, Person in Charge, or owner of a Property.

**“Person in Charge”** means any Person, in actual or constructive possession of a Property, including but not limited to an owner or occupant of Property under his or her ownership or Control.

**“Property”** means any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent. For Property consisting of more than one unit, Property may be limited to the unit or the portion of the Property on which any Nuisance Activity has occurred or is occurring, but includes areas of the Property used in common by all units of Property including without limitation other structures erected on the Property and areas used for parking, loading and landscaping.

**7.14.020 VIOLATION.**

A. Any Property determined by the Chief of Police to be a Chronic Nuisance Property is in violation of this Chapter and subject to its remedies.

B. Any Person in Charge of Property determined by the Chief of Police to be a Chronic Nuisance Property is in violation of this Chapter and subject to its remedies.

**7.14.030 PROCEDURE.**

A. When the Chief of Police receives two (2) or more police reports documenting the occurrence of Nuisance Activities on or within 200 feet of a Property, the Chief of Police shall independently review such reports to determine whether they describe the activities, behaviors or conduct enumerated under RMC 7.14.010(C)(1-21). Upon such a finding, the Chief of Police may notify the Person in Charge in writing that the Property is in danger of becoming a Chronic Nuisance Property. The notice shall contain the following information:

1. The street address or a legal description sufficient for identification of the Property.

2. A statement that the Chief of Police has information that the Property may be a Chronic Nuisance Property, with a concise description of the Nuisance Activities that

exist, or that have occurred. The Chief of Police shall offer the Person in Charge an opportunity to propose a course of action that the Chief of Police agrees will abate the Nuisance Activities giving rise to the violation.

**3. Demand that the Person in Charge respond to the Chief of Police within ten (10) days to discuss the Nuisance Activities.**

**B.** When the Chief of Police receives a police report documenting the occurrence of additional Nuisance Activity on or within 200 feet of a Property after notification as provided by RMC 7.14.030(A).; or, in the case of a Chronic Nuisance Property as defined in RMC 7.14.010, for which notice under RMC 7.14.030(A) is not required, the Chief of Police shall notify the Person in Charge in writing that the Property has been determined to be a Chronic Nuisance Property. The notice shall contain the following information:

**1.** The street address or a legal description sufficient for identification of the Property.

**2.** A statement that the Chief of Police has determined the Property to be a Chronic Nuisance Property with a concise description of the Nuisance Activities leading to his/her determination.

**3.** Demand that the Person in Charge respond within ten (10) days to the Chief of Police and propose a course of action that the Chief of Police agrees will abate the Nuisance Activities giving rise to the violation.

**4.** Service shall be made either personally, or by both first class and certified mail, addressed to the Person in Charge at the address of the Property determined to be a Chronic Nuisance Property, or such other place which is likely to give the Person in Charge notice of the determination by the Chief of Police.

**5.** A copy of the notice shall be served on the owner at the address shown on the tax rolls of Douglas County, and the occupant at the address of the Property, if these Persons are different than the Person in Charge, and shall be made either personally, or by both first class and certified mail.

**C.** If the Person in Charge fails to respond as required by RMC 7.14.030(B)(3), the Chief of Police may refer the matter to the City Manager and the City Attorney. Prior to referring the matter to the City Manager and the City Attorney, the notice required by RMC 7.14.030(B) shall also be posted at the property.

**D.** If the Person in Charge responds as required by RMC 7.14.030(B)(3) and agrees to abate Nuisance Activities giving rise to the violation, the Chief of Police may postpone referring the matter to the City Manager and the City Attorney. If an agreed course of action does not result in the abatement of the Nuisance Activities within sixty (60) days; or, if no agreement concerning abatement is reached within sixty (60) days, the Chief of Police may refer the matter to the City Manager and the City Attorney.

E. When a Person in Charge makes a response to the Chief of Police as required by RMC 7.14.030(A)(3) or (B)(3) any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any Nuisance Activities have occurred or are occurring. This Subsection does not require the exclusion of any evidence which is otherwise admissible or offered for any other purpose.

F. The failure of any Person to receive notice as provided by RMC 7.14.030(A) or (B) shall not invalidate or otherwise affect the proceedings under this Chapter.

**7.14.040 COMMENCEMENT OF ACTIONS; REMEDIES; BURDEN OF PROOF.**

A. The City Manager may authorize the City Attorney to commence legal proceedings to abate a Chronic Nuisance Property and to seek closure, the imposition of civil penalties against any or all of the Persons in Charge thereof, and, any other relief deemed appropriate.

B. If the Court determines Property to be a Chronic Nuisance Property, the Court shall order that the Property be closed and secured against all unauthorized access, use and occupancy for a period of not less than six (6) months, nor more than one (1) year. The order shall be entered as part of the final judgment. The Court shall retain jurisdiction during any period of closure.

C. If the Court determines a Property to be a Chronic Nuisance Property, the Court may impose a civil penalty of up to \$100 per day for each day Nuisance Activities occurred on the Property, following notice pursuant to RMC 7.14.030(B); or, the cost to the City to abate the Nuisance Activities at the Property, whichever is greater. The amount of the civil penalty shall be assessed against the Person in Charge and as a lien against the Property.

D. If satisfied of the good faith of the Person in Charge, the Court shall not award civil penalties if the Court finds that the Person in Charge at all material times could not, in the exercise of reasonable care or diligence, determine that the Property had become a Chronic Nuisance Property.

E. In establishing the amount of any civil penalty, the Court may consider any of the following factors and shall cite those found applicable:

1. The actions taken by the Person in Charge to mitigate or correct the Nuisance Activities at the Property;
2. The financial condition of the Person in Charge;
3. Repeated or continuous nature of the problem;
4. The magnitude or gravity of the problem;
5. The cooperation of the Person in Charge with the City;

6. The cost to the City of investigating and correcting or attempting to correct the Nuisance Activities;

7. Any other factor deemed relevant by the Court.

F. The City shall have the initial burden of proof to show by a preponderance of the evidence that the Property is a Chronic Nuisance Property.

G. Evidence of a Property's general reputation and/or the reputation of persons residing in or frequenting it shall be admissible.

**7.14.050 SUMMARY CLOSURE.** Any summary closure proceeding shall be based on evidence showing that Nuisance Activities exist or have occurred on the Property and that emergency action is necessary to avoid an immediate threat to public welfare and safety. Proceedings to obtain an order of summary closure shall be governed by the provisions of ORCP 79 for obtaining temporary restraining orders. In the event of summary closure, the City is not required to comply with the notification procedures set forth in RMC 7.14.030(A) and (B).

**7.14.060 ENFORCEMENT.**

A. The Court may authorize the City to physically secure the Property against all unauthorized access, use or occupancy in the event that the Person in Charge fails to do so within the time specified by the Court. In the event that the City is authorized to secure the Property, the City shall recover all costs reasonably incurred by the City to physically secure the Property as provided by this Section. The City Department(s) physically securing the Property shall prepare a statement of costs and the City shall thereafter submit that statement to the Court for its review as provided by ORCP 68.

B. The Person in Charge shall pay reasonable relocation costs of a tenant as defined by ORS 90.100(28), if, without actual notice, the tenant moved into the Property after either:

1. A Person in Charge received notice of the determination of the Chief of Police pursuant to RMC 7.14.030(B); or

2. A Person in Charge received notice of an action brought pursuant to RMC 7.14.050.

C. A lien shall be created against the Property for the amount of the City's money judgment. In addition, any Person who is assessed penalties under RMC 7.14.040(C) and/or costs under RMC 7.14.060(A) shall be personally liable for payment thereof to the City. Judgments imposed by this Chapter shall bear interest at the statutory rate.

**7.14.070 ATTORNEY FEES.** The Court may, in its discretion, award attorneys' fees to the prevailing party.

**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

**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

# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

*ok*  
*5/3/16*



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## Community Concept Advertising Campaign for U.S. Olympic Trials

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**Meeting Date:** May 9, 2016  
**Department:** Community Development  
**[www.cityofroseburg.org](http://www.cityofroseburg.org)**

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

### ISSUE STATEMENT AND SUMMARY

A team of community leaders seeking to improve the image of Roseburg after the UCC tragedy of October 1 recommend an image campaign for Roseburg and Douglas County. As part of the project, City Manager Lance Colley asked if attempting to take advantage of the upcoming nationally recognized U.S. Olympic Trials in Eugene this summer might be a viable and efficient first step in that larger long-term image campaign. The Council is being asked to fund \$25,000 of this ad campaign.

### BACKGROUND

**A. Council Action History**

None. The Economic Development Commission unanimously recommended approval at their May 2 meeting.

**B. Analysis**

After the UCC tragedy, a team of community leaders came together to determine effective ways for the Roseburg area to recover. A group was then formally organized with support from the governor's office called Community Health and Recovery Team, or CHART. Members of CHART's leadership, or The Leadership Council (TLC), are listed on the attached press release. City Manager Lance Colley and Partnership Director Wayne Patterson are on the TLC.

A sub-committee of the TLC and CHART was formed to work on community image. Representatives include Steve Patterson and Derek Adams from AHM. Others include Lance Colley, Wayne Patterson, Kelly Morgan (Mercy), Brian Prawitz, Mickey Beach, Dave Sabala (IDB) and representatives from CCD. This is a long-term effort; however, the committee agreed on an added emphasis to our image in time for the U.S. Olympic Trials this summer. Hayward Field will have an international stage as the track and field world comes to Eugene to watch U.S. qualifiers for the 2016 Rio Olympics.

Because of the unprecedented potential for positive exposure, Roseburg is in a unique position to showcase its natural and cultural amenities to an audience on a scale unlike any other time. TLC is requesting support from the Council and other tourism-promotion and economic-development agencies in the area.

The specifics of the ad campaign are still being developed, but it is likely to feature billboard advertisements, bus wraps, and other visual media in Eugene where visitors can be exposed to the Roseburg-themed images with a "Run to Roseburg" or "Race to Roseburg" theme.

In addition to the ad campaign, a RuntoRoseburg.com website will be developed and populated with advertising opportunities and community information as well as links to other visitor and tourist information websites throughout Douglas County. A key element in developing the online presence and social media type aspect of this initial program will be high functionality for all media platforms and diagnostic tools that will allow us to track the interest generated by this very specific and focused advertising and image campaign.

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

Funding for this campaign would come from the restricted (largest resource, restricted to tourism) portion of the V&C fund. Based on account totals in January of this year, it is estimated the current account balance to be in the \$210,000-230,000 range. Because the requested amount of \$25,000 exceeds the Economic Development Commission's spending authority, their approval needs to be ratified by the City Council.

**D. Timing Issues.**

The U.S. Olympic Trials start July 1 in Eugene. Time is needed to prepare and roll out the campaign weeks ahead of this date, so timing is short.

**COUNCIL OPTIONS**

1. Approve up to \$25,000 for the ad campaign
2. Deny funding for the ad campaign

**STAFF RECOMMENDATION**

Staff concurs with the unanimous Economic Development Commission who recommended approval.

**SUGGESTED MOTION**

*"I move to approve up to \$25,000 to support AHM's Community Concept Ad Campaign for the U.S. Olympic Trials."*

**ATTACHMENTS**

CHART Press Release

# The Leadership Council (TLC)

Of CHART – Douglas County Area Response and Recovery

Tim Freeman  
Commissioner  
Douglas County

Dr. Walter Nolte  
President  
Umpqua Community College

Vanessa Becker  
Chair  
UCC Board of Trustees

Dr. Greg Brigham  
Director  
ADAPT

John Hanlin  
Sheriff  
Douglas County

Rick Wesenberg  
District Attorney  
Douglas County

Greg Marlar  
Chief  
Douglas County Fire District #2

Bryan Trenkle  
Director  
Greater Douglas United Way

Lance Colley  
City Manager  
City of Roseburg

Dave Sabala  
Chair  
Douglas County Partnership for  
Economic Development

Wayne Patterson  
Director  
Douglas County Partnership for  
Economic Development

Michael Rondeau  
CEO  
Cow Creek Band of Umpqua Indians

Dan Courtney  
Chair  
Cow Creek Band of Umpqua Indians

Anne Kubisch,  
Director  
Ford Family Foundation

Michael Lasher  
Superintendent  
Educational Service District

Dr. Pat Sublette,  
Asst. Superintendent  
Educational Service District

Dr. Steven Schenewerk,  
Pastor  
Community Baptist Church

Cedric Hayden  
State Representative  
House District 7

## News for Immediate Release

March 31, 2016

Contact: Douglas County Commissioner Tim Freeman (541) 440-4201  
Greater Douglas United Way Director Bryan Trenkle (541) 672-1734  
UCC Board of Trustees Chair Vanessa Becker (541) 673-2215

**Douglas County, Oregon.** At the request of Douglas County citizens, Gov. Kate Brown has offered assistance to develop and support a council of local leaders to help the community through the process of recovering from the Oct. 1, 2015, shootings at Umpqua Community College.

The Leadership Council (TLC) is identifying needs and priorities to build resiliency, strengthen relationships and communication, and help the community prepare for the future. The TLC is responding to state and national funding requests, developing new initiatives and partnerships, and advocating for funding and other resources.

A broad cross section of key individuals and decision makers comprise the group. This includes first responders, UCC leadership, elected officials, foundation and NGO directors, civic and faith community leaders, tribal leaders and medical professionals. The TLC will coordinate with the Community Health and Recovery Team (CHART), an ad hoc community-based group that since October has been serving as an important information forum.

“After the shooting, our community came together to support each other in a way we’ve never seen before,” said Douglas County Commissioner Tim Freeman. “The TLC will give us a structure to strengthen these relationships and do some real good for our community.”

The Leadership Council’s first task is to request funds from a U.S. Department of Justice Antiterrorism and Emergency Assistance program to reimburse Douglas County area agencies for costs incurred as a result of the UCC tragedy and to fund programs to support the community’s recovery. The same program provided the community of Newton, Conn., nearly \$8 million in the aftermath of the Sandy Hook shootings.

The TLC is working with a technical adviser from the U.S. Department of Justice to develop the funding request. The group also is charged with identifying resources needed from the state legislature and developing other initiatives with local, state and national foundations.

Bryan Trenkle, executive director of the Greater Douglas United Way, said the TLC’s role is to “lead the change as Douglas County’s heart, mind and action to move us forward”.

Vanessa Becker, UCC Board Chair emphasized that “working together we can achieve more resources and support for UCC and our community.”

The Leadership Council will meet twice a month to develop and review grant proposals and other funding opportunities.

END

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INFORMATIONAL A  
5-9-16

# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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## ACTIVITY REPORT

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**Meeting Date:** May 9, 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 May 9, 2016, meeting, I provide the following items:

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



Agenda  
Department Heads Meeting  
April 26, 2016 – 10:00 a.m.

1. Community Video Update
2. Review April 25, 2016 Council and Urban Renewal Meetings
3. Review Tentative May 9, 2016 Council Meeting
4. Review Budget Committee Meeting Agendas
5. Tentative Future Agenda
6. Document Signing/Grants
  - i.e. Engineering Contract Fairmount Storm Sewer Construction Management Services
  - ZCS Engineering Contract – Fire Station #2 Structural Evaluation
7. Community Service
8. Workout Room
9. Department Items



Agenda  
Department Heads Meeting  
May 2, 2016 – 10:00 a.m.

1. Review Tentative May 9, 2016 Council Meeting
2. Review Budget Committee Meeting Agendas
3. Tentative Future Agenda
4. Document Signing/Grants
5. Budget PowerPoint Updates
6. Vehicle Lists
7. Employee Acknowledgements  
    15 Years – Jimmy Watkins, Water Maintenance
8. Department Items

**TENTATIVE FUTURE COUNCIL AGENDA**

**Unscheduled**

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

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**May 23, 2016**

**Consent Agenda**

- A. Minutes of May 9, 2016
- B. U-TRANS Services Contract

**Ordinances**

- A. 2<sup>nd</sup> Reading, Ordinance No. \_\_\_\_ - Pacific Power Electric Utility Franchise
- B. 2<sup>nd</sup> Reading, Ordinance No. \_\_\_\_ - Chronic Nuisance Property
- C. 2<sup>nd</sup> Reading, Ordinance No. \_\_\_\_ - Adopting ORS 98.520 - Shopping Carts
- D. 2<sup>nd</sup> Reading, Ordinance No. \_\_\_\_ - Enhanced Law Enforcement Area
- E. Ordinance No. \_\_\_\_ - Single Lot Local Improvement District

**Department Items**

- A. Spruce/Parrott Improvement Bid Award
- B. Spruce/Parrott Construction Management Contract
- C. Fairmount Storm Drainage Improvement Bid Award
- D. Slurry Seal Bid Award
- E. Roseburg Downtown Association Parking Program Agreement

**Informational**

- A. Activity Report

**Urban Renewal Agency Board Meeting**

- A. Approval of Minutes of April 25, 2016
- B. Spruce/Parrott Improvement Bid Award
- C. Spruce/Parrott Construction Management Contract

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**June 13, 2016**

**Mayor's Report**

- A. Camp Millennium Week Proclamation

**Consent Agenda**

- A. Minutes of May 23, 2016

**Public Hearing**

- A. Resolution No. 2016-\_\_\_\_ - 2016/17 Budget Adoption
  - 1. Non-Profit Organization Funding Requests

**Ordinances**

- A. 2<sup>nd</sup> Reading, Ordinance No. \_\_\_\_ - Single Lot Local Improvement District
- B. Ordinance No. \_\_\_\_ - Smoking Prohibition for City Parking Lots and Sidewalks Abutting City Property

**Resolutions**

- A. Resolution No. 2016-\_\_\_\_ - 2015-2016 Budget Reappropriation
-

Department Items

- A. Murray Smith & Associates Task Order – Overlay Construction Management

Informational

- A. Activity Report

Urban Renewal Agency Board Meeting

- A. Approval of Minutes
B. Public Hearing - Resolution – 2016/17 Budget Adoption

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June 27, 2016

Consent Agenda

- A. Minutes of June 13, 2016

Ordinances

- A. 2nd Reading, Ordinance No. \_\_\_\_ - Smoking Prohibition for City Parking Lots and Sidewalks Abutting City Property

Resolutions

- A. Resolution No. 2016-\_\_\_\_ - Recreational Marijuana Sales Tax

Informational

- A. Activity Report

Executive Session

- A. Municipal Judge Evaluation

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July 11, 2016

Consent Agenda

- A. Minutes of June 27, 2016

Informational

- A. Activity Report

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July 25, 2016

Consent Agenda

- A. Minutes of July 11, 2016

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

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

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

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

\*\*\*\*\*

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

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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

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**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

\*\*\*\*\*

**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

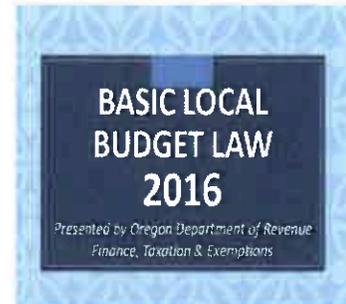
A. Activity Report

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Friday April 22, 2016

Good Friday afternoon everyone. It appears we have returned to more moderate spring like weather after our brief stint in the 90's, so enjoy it while you can. Monday afternoon this week Ron Harker presented our annual "Local Budget Law 101" to Budget Committee member Jon Dyer and Councilor John McDonald. It gave Ron and me an opportunity to introduce in some detail the requirements of local budget law and also the authority and limitations provided by statute to the Budget Committee. We appreciate their attendance and look forward to handing out the budget and giving the budget message to the Budget Committee at your first meeting on Tuesday May 3<sup>rd</sup>.



Tuesday Brian Davis and I met with Steve Vincent and Allan Smith from AVISTA, our local natural gas franchisee representatives. We have worked closely with Steve and AVISTA through the Partnership on economic development opportunities in the region and Allan is the local gas operations manager. We meet annually with AVISTA representatives to review their annual operations, their financial impact on the region and also to chat about their operations in the City of Roseburg rights of way. AVISTA is our second largest utility franchise holder. In 2015 they served over 8,000 homes and almost 1,500 business, non-profit and public sector customers. They paid franchise fees in 2015 of just over \$375,000 to the City and paid over \$400,000 in property taxes in Douglas County.

Thursday I attended, along with Community Development Staff, a presentation made by the Meyer Memorial Trust on community impact grant funding. They have funding opportunities related to "Building Community", "Healthy Environment", "Housing Opportunities" and eventually "Meaningful Public Education for all". Folks from many of the local non-profit entities were in attendance. Based on my understanding of most their programs, we more likely would be supporting other grant applicants rather than applying directly. I spoke with many representatives from the community about the collective impact of "building community" and "healthy environment" concepts and we continue to work with UCAN and NeighborWorks around housing opportunities. Equity throughout Oregon is a primary concern as contained in both the Vision statement and Mission statement of the Meyer Memorial Trust.



The Airport Commission met on Thursday as well. While there was not a quorum in attendance, the four members present did unanimously endorse the land lease assignment from Pacific Housing Management (Bill Woods) to Marilyn Kittelman and John Kittelman relating to Aviation Suites which is on your Council agenda for Monday evening. Ms. Kittelman has been working with Mr. Woods to acquire ownership of the Aviation Suites building and needs to acquire the land lease interest as well. The building has been used primarily as a professional office for many years and we do not anticipate the primary use will change immediately. Ms. Kittelman has indicated that she is very interested in attracting aviation related businesses to the facility in addition to the office type tenants.

I am attaching the Employment Department's Labor Market Information one-pager for the second consecutive month as I think it is very important for us to recognize some of the information contained in this correspondence. It is very clear that the recession hit Douglas County harder than most parts of the State and that it took longer to come out of the recession as well. Steady job growth has been occurring since the third quarter of 2012, about eighteen months later than the rest of the State. To me, the most encouraging information contained in the report is that the March point in time data indicates that our civilian labor has grown by 1,085, the number of employed has grown by 2,852, and the number of unemployed has dropped by 1,767 between March of 2014 and March of 2016. More people in the work force, more people working and fewer unemployed is great news. However, a low unemployment rate does not tell the entire story. We have many positions available in the area that continue to go unfilled because there are skill set mismatches for highly skilled positions. The current unemployment rate of 6.2% is the lowest unemployment rate in Douglas County in over 15 years.

We continue to work with local schools, UCC, Umpqua Business Center and the Partnership for Economic Development to identify programs that will match employer needs with training programs that can provide local workers with the skills necessary to meet to the local manufacturing demand for workers. It is essential for our economy to provide family wage jobs and matching skills to ensure that our local folks have those opportunities right here in central Douglas County.

Have a great weekend everyone and we will see you all Monday night!

	March 2016	March 2015	March 2014
Civilian Labor Force	44,786	43,452	43,701
Employed	41,872	39,854	39,020
Unemployed	2,914	3,598	4,681
Unemployment Rates (seasonally adjusted)			
Douglas County	6.2%	7.6%	9.9%
State of Oregon	4.5%	5.7%	7.1%

**March 2016 Gains & Losses:**

Selected net, over-the-year gains:

- Private educational and health services: +190
- Leisure and hospitality: +120
- Manufacturing; Government: +90 (each)
- Trade, transportation, utilities: +70
- Construction: +60

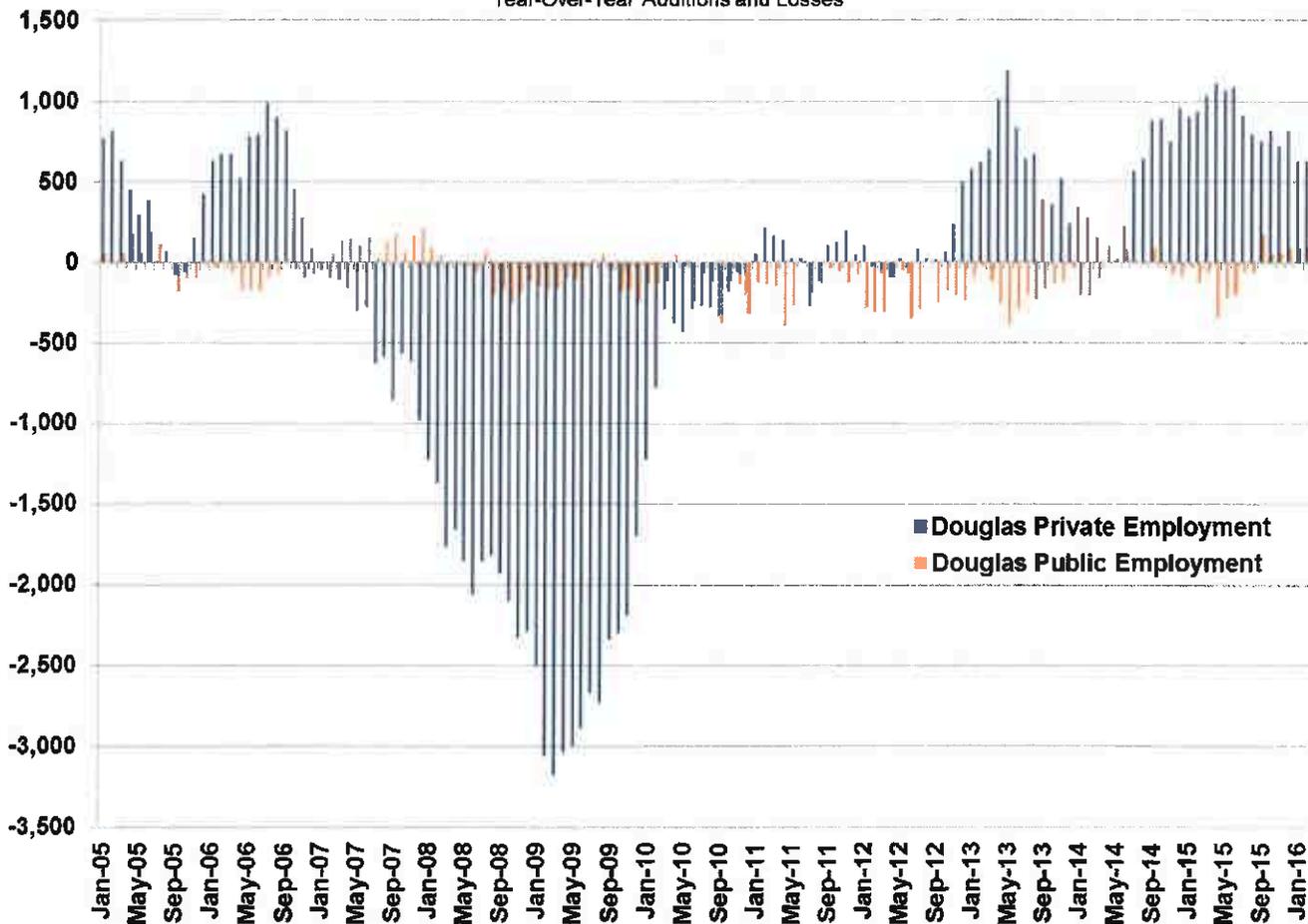
Selected net, over-the-year job losses:

- Mining and logging: -80



**Douglas County Nonfarm Employment Change**

Year-Over-Year Additions and Losses



To regularly receive this monthly update: visit [QualityInfo.org](http://QualityInfo.org) for our new subscription service (see publications tab) or drop me an e-mail or phone!

[Annette.I.Shelton-Tideman@oregon.gov](mailto:Annette.I.Shelton-Tideman@oregon.gov)

Workforce Analyst, Oregon Employment Dept.: 541-530-0605 (cell)

Friday April 29, 2016

Good Friday afternoon everyone. Thanks for starting your week with us at Council on Monday. It was a very productive meeting and we are moving forward with a number of initiatives that have been discussed at recent Council meetings and work study sessions. And by the way, your next meeting will be full of important topics as well, ranging from transportation funding (early at 6:00 p.m.) to ordinance discussions about some of the transient/crime issues we talked about recently. We will begin the transportation funding discussion at 6:00 p.m. in an effort to fully vet the needs and options with Council in a more detailed presentation than would be made during a regular agenda item. Transportation funding has been a Council goal/action item for many years and now that we have received our updated Pavement Condition Index Study, we will be prepared to provide you with current relevant conditions as well as a number of options being used or considered around the State.

In accordance with Council's adopted policy on potential uses of revenue sharing, the Budget Sub-Committee met this week to review eleven applications for funding. We received requests totaling \$77,357 and after review and discussion based on the criteria adopted by Council, the sub-committee recommended funding all or portions of five of the requests totaling the \$20,000. The recommendation will be part of the staff report during the public hearing on proposed uses of State Revenue Sharing on Tuesday's Budget Committee agenda. In accordance with the policy, the sub-committee makes a recommendation that ultimately will be under the authority of Council to approve.

The HTAG group met on Wednesday, with a couple hours set aside for their steering/oversight committee and a couple hours for larger community participation. Councilor Kaser and CDD Brian Davis attended the oversight portion and part of the community group while I attended the community participation portion. While we would like to generate more business community participation, the group seems very interested in helping solve or resolve a number of issues faced by the community and individuals who are truly in need of, and accepting of help. The installation of chemical toilets at three locations has been a positive first step in addressing some of the sanitation issues and HTAG continues to evaluate a number of options and opportunities ranging from access to showers and laundry services to mental health/addiction counseling to a day use drop-in center to transitional housing. They have lofty aspirations and a very positive outlook on the complexities surrounding this difficult social issue.

Thursday we received an update on the options going forward relating to the Med Ed college project that the EDC/City Council has invested in over the past couple of years.

It is still a very exciting opportunity for our community. There are scheduled opportunities with legislative committees in May to provide our statewide elected officials with information related to the lack of rural access to health care and our proposal to help solve this nationwide problem. Councilor Marks was in attendance at the meeting as well as representatives from the VA, CHI Mercy, Douglas County, local businesses and the Partnership to hear the update provided by Pac West, the Partnership's communications consultant. We have generated significant support from around southern Oregon and will continue to work hard to obtain the support we need to move this project forward.

I, along with Nikki Messenger and Barbara Taylor, am very excited to announce that the Morning Rotary group met Thursday evening to announce they have met their first major threshold in fundraising for the City of Roseburg spray park/playground project! In just four weeks they have raised almost \$45,000 and have a number of events planned with local businesses for the next six weeks to try to reach their very ambitious goal of \$75,000. This initial threshold will allow us to move forward with some foundation grant requests that should get us to our overall goal of just over \$600,000 including State grants and City funding alongside the generous support of our community. We can't say thank you enough to Morning Rotary and their fundraising leaders including Stacey Crowe, chair, and Dan Clark and Knut Torvik, team leaders. The Morning Rotary adopted this as their community project for 2016 and from the beginning shared our enthusiasm for this exciting parks and recreation improvement. THANK YOU!



It appears we are in for a very spring like weather weekend in front of us. Rain today, warming tomorrow and 80 plus degrees on Sunday. Have a great weekend everyone.