

ROSEBURG CITY COUNCIL AGENDA – APRIL 25, 2016
City Council Chambers, City Hall,
900 S. E. Douglas Avenue, Roseburg, OR 97470



7:00 p.m. - Regular Meeting

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

Alison Eggers	Ken Fazio	Victoria Hawks	Steve Kaser
Lew Marks	John McDonald	Tom Ryan	Andrea Zielinski
- 4. Mayor Report**
 - A. Historic Preservation Month Proclamation
 - B. Arbor Day Proclamation
- 5. Commission Reports/Council Ward Reports**
- 6. Audience Participation – See Information on the Reverse**
- 7. Consent Agenda**
 - A. Minutes of April 11, 2016 Regular Meeting
 - B. 2016 OLCC License Renewals
 - C. OLCC Ownership Change, Knok Knok Lounge, 1969 “A” SE Stephens
 - D. Dump Truck Purchase
 - E. Assignment of Ground Lease – Aviation Suites
- 8. Public Hearing**
 - A. Annexation, Zone Change and Withdrawal of 1669 Lookingglass Road from Fire District No. 2, Ordinance No. 3463
- 9. Ordinances**
 - A. 2nd Reading, Ordinance No. 3460 – Telecommunications Definitions
 - B. 2nd Reading, Ordinance No. 3461 – Marijuana Sales Tax Referral
 - C. 2nd Reading, Ordinance No. 3462 - Tree Ordinance
 - D. Ordinance No. 3464 – Parks and Recreation Commission Responsibilities
- 10. Department Items**
 - A. Wetland Deed Restriction
- 11. Items From Mayor, Council or City Manager**
- 12. Informational**
 - A. Activity Report
- 13. Executive Session ORS 192.660(2)**
- 14. Adjournment**

URBAN RENEWAL BOARD AGENCY MEETING IMMEDIATELY FOLLOWING

***** 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.

Proclamation

CITY OF ROSEBURG, OREGON HISTORIC PRESERVATION MONTH

WHEREAS: Historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS: Historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS: The City of Roseburg has three National Register Districts recognized for their individual unique historical characteristics - Mill-Pine, Downtown and Laurelwood; and

WHEREAS: The City of Roseburg has a number of historic properties, outside of the three National Register Districts, also recognized for their individual unique historical and cultural characteristics, and

WHEREAS: It is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us; and

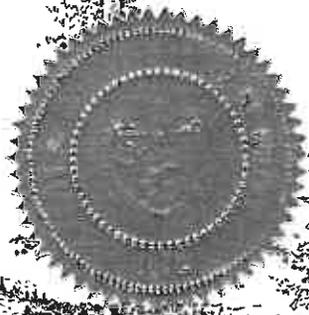
WHEREAS: "This Place Matters" is the theme for National Historic Preservation Month 2016, co-sponsored by the City of Roseburg and the National Trust for Historic Preservation.

NOW, THEREFORE, I Larry Rich, Mayor of the City of Roseburg, do hereby proclaim May 2016

HISTORIC PRESERVATION MONTH

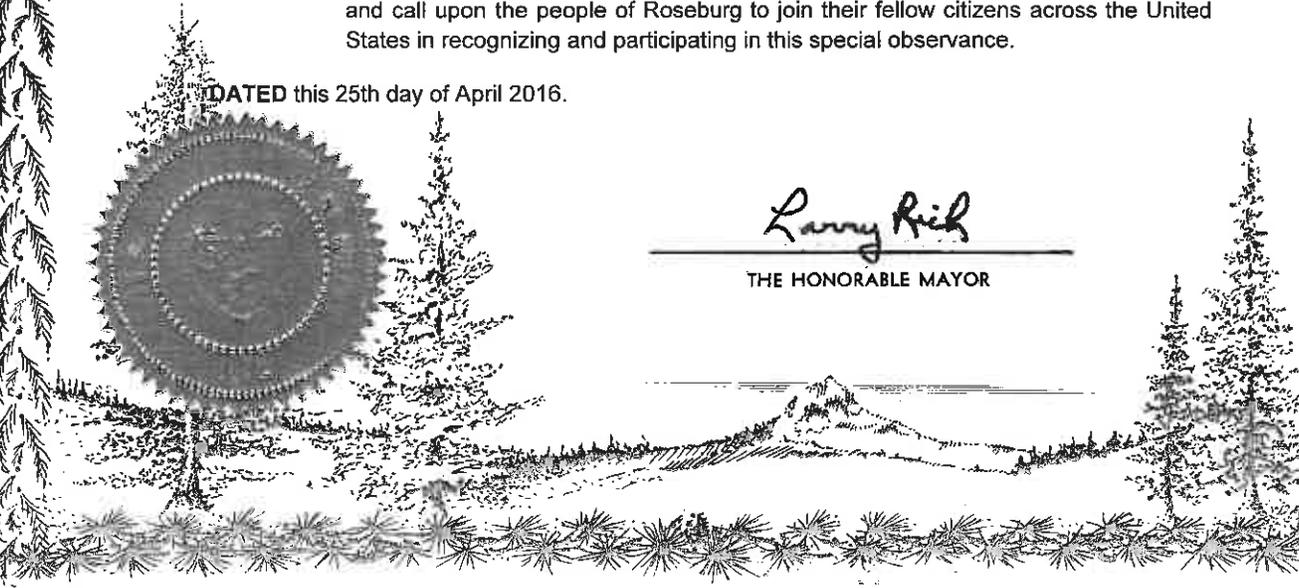
and call upon the people of Roseburg to join their fellow citizens across the United States in recognizing and participating in this special observance.

DATED this 25th day of April 2016.



Larry Rich

THE HONORABLE MAYOR



Proclamation

CITY OF ROSEBURG, OREGON

ARBOR DAY

WHEREAS: In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS: This special day, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

WHEREAS: Arbor Day is now observed throughout the nation and the world; and

WHEREAS: Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen and provide habitat for wildlife; and

WHEREAS: Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS: Trees in our city increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS: In honor of Arbor Day, Phoenix School students and AmeriCorps volunteers will be planting native trees in Sunshine Park on Friday, April 29, 2016, from 9:00 a.m. to 1:00 p.m.

HOW, THEREFORE, I Larry Rich, Mayor of the City of Roseburg, Oregon, do hereby proclaim April 29, 2016, as

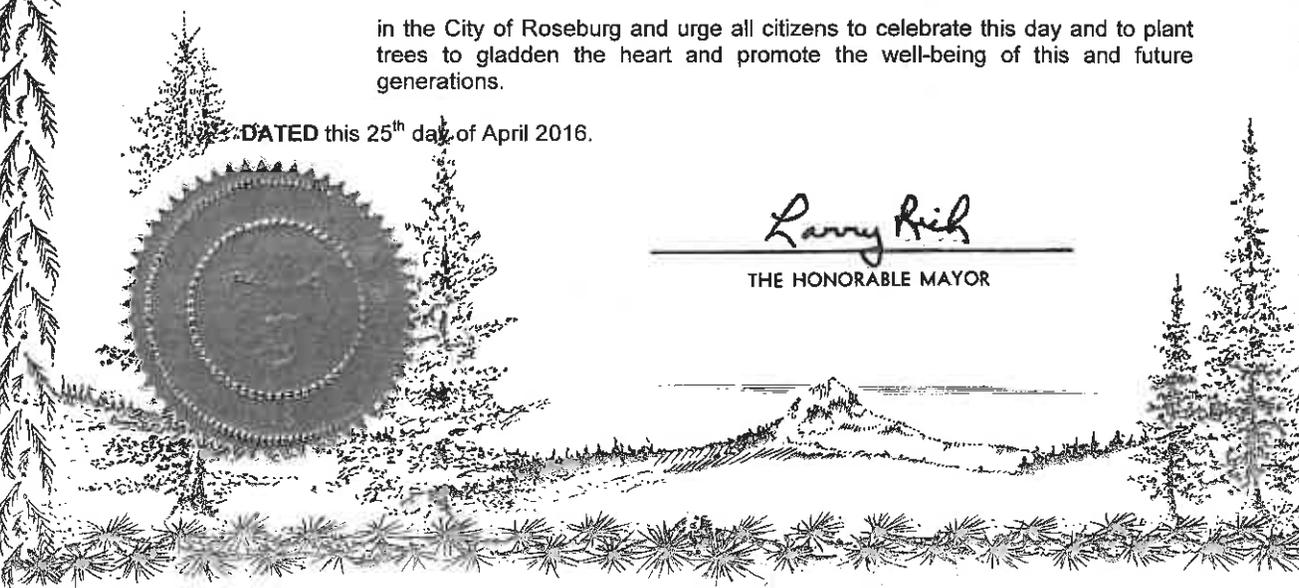
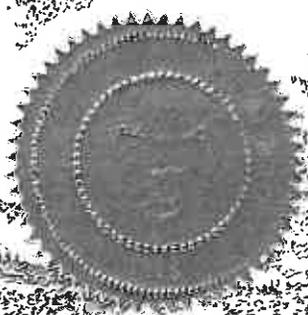
ARBOR DAY

in the City of Roseburg and urge all citizens to celebrate this day and to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED this 25th day of April 2016.

Larry Rich

THE HONORABLE MAYOR



**MINUTES OF THE REGULAR MEETING
OF THE ROSEBURG CITY COUNCIL
April 11, 2016**

Mayor Larry Rich called the regular meeting of the Roseburg City Council to order at 7:00 p.m. on Monday, April 11, 2016, in the City Hall Council Chambers, 900 SE Douglas, Roseburg, Oregon. Councilor Marks led the Pledge of Allegiance.

ROLL CALL

Present: Councilors Ken Fazio, Tom Ryan, Lew Marks, Alison Eggers, Steve Kaser, Andrea Zielinski, John McDonald 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, Management Technician Debi Davidson, Troy Brynelson of The News Review and Kyle Bailey of KQEN.

MAYOR REPORTS

April was proclaimed as "Volunteer Recognition Month." Special note was made of those individuals that assist the City through service on Commissions, Volunteers in Police Services, park beautification, special events, etc. Colley noted over 5000 hours in service were donated over the previous year valued at over \$100,000.

A reminder was issued regarding the Budget Law Orientation scheduled for April 18, 2016 at 4:30 in City Hall Conference Room.

Rich confirmed that Budget Committee members Richard Weckerle and Jon Dyer volunteered to serve with Ken Fazio and Andrea Zielinski on a subcommittee established to review non-profit organization grant applications.

COMMISSION/COUNCIL WARD REPORTS

Ryan, Hawks and McDonald commented on a NeighborWorks event celebrating the donation of property on Douglas Avenue for veterans housing.

McDonald reported on attendance at a meeting of downtown business owners and citizens working to develop workable solutions to problem activities downtown.

Zielinski reported she was contacted by numerous neighbors concerned about a cell tower proposed for installation on the Bailey Ranch abutting Ward 2. The Douglas County Planning Commission will consider the tower application.

Marks reported on economic development activities, the appointment of Wayne Patterson as the new Partnership Executive Director and a report the Economic Development Commission received regarding the Umpqua Valley wine industry.

AUDIENCE PARTICIPATION

Barb Antilla, 1301 SE Magnolia, co-owner of Gallery Northwest at 625 SE Jackson, commented on the presence of vagrants and illegal activities downtown and requested the City take four actions to address the problem: 1) require landlords of vacant properties to maintain the security of their buildings; 2) only allow trash cans on Main Street sidewalks during trash pick-up day if not secured behind a pleasant looking screen; 3) City purchase land away from businesses to provide temporary housing where those willing can provide clothing, food and access to mental health and addiction assistance; and 4) As the City acts on these things ensure the community is aware of what the City is doing and progress that is being made to address citizen fears about downtown.

Cynthia Walking, 1205 SE Cass, noted there was confusion between “travelers” versus people that live downtown. Downtown residents don’t have a smoking area so they loiter on City property to smoke. She proposed that landlords be required to provide smoking areas for their tenants.

Downtown Roseburg Association Director Roxanna Grant, 922 SE Washington, encouraged participation with the Neighbor to Neighbor group and HTAG. The next meeting will be August 27th at the Umpqua Business Center.

Coalwell pointed out that there is a code provision regarding unsecured buildings. The Police Department has cited numerous people for trespassing into secure buildings.

Leonita Watson, 710 Strauss in Winchester, spoke about her activities during World War II in the Philippines as a child and her transition to American citizenship. She wanted to share her experience as a caution about the difficulties of war.

CONSENT AGENDA

Ryan moved to approve the following Consent Agenda items:

1. Minutes of the March 28, 2016 Regular Meeting.
2. Minutes of the April 4, 2016 Special Meeting.

Motion was seconded by Marks and carried unanimously.

PUBLIC HEARING –SALE OF WARD AVENUE PROPERTIES

At 7:30 p.m., Rich opened the public hearing regarding the proposed sale of properties located at 468, 485, 487 and 488 NE Ward Avenue. As real property broker for the City of Roseburg, Hawks recused herself from participation. Colley reported the property was originally acquired to provide parking for Dell Computer employees and is no longer needed for City purposes. Con-Vey Keystone, which abuts the property, has made an offer to purchase the property at the list price of \$150,000 with a credit for job retention incentives. As no one else wished to speak, the hearing was closed at 7:33 p.m. McDonald moved to accept the offer of \$150,000 less job retention incentives of \$50,000 from Con-Vey Keystone, Inc. for the property located at 468, 485, 487 and 488 NE Ward Avenue. Motion was seconded by Fazio and carried with Hawks abstaining.

ORDINANCE NO. 3460 – AMENDING TELECOMMUNICATIONS DEFINITIONS

Cox reported that the question arose about whether a company which provides non-cellular VOIP telephone service is covered by the definitions of telecommunication services. The current code definition excludes “wireless services”. The amendment would clarify that providers that have a plant, equipment or property in the City but which use wireless means to provide service would be covered by the Code. The amendment would not affect cell phones. She noted a word change on page 3 of the proposed ordinance from “consumer” to “customer”. Cox read Ordinance No. 3460 for the first time, entitled: An Ordinance Amending Roseburg Municipal Code Section 9.25.005 Regarding Definitions Relating to Telecommunications Providers.

ORDINANCE NO. 3461 – RECREATIONAL MARIJUANA SALES TAX REFERRAL

Cox noted Council previously directed Staff to prepare the documents necessary to place the matter of a recreational marijuana sales tax on the General Election ballot. The first step is to adopt an ordinance imposing a 3% sales tax. Upon the ordinance becoming effective, a Resolution would need to be adopted to place the matter on the ballot. Cox read Ordinance No. 3461 for the first 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.

ORDINANCE NO. 3462 - TREE ORDINANCE

Messenger reported that a proposed Tree Ordinance and Tree Program were developed in response to the City Council goal to be recognized as an official “Tree City USA.” There are four requirements to be so recognized. 1) Formation of a Tree Board or Tree Commission – which would be the Parks and Recreation Commission; 2) Adoption of a Tree Care Ordinance; 3) A budget of at least \$2 per capita for tree care which is already being spent; and 4) an Annual Arbor Day observance which has been done regularly. Discussion ensued as to the difference between this ordinance and one previously proposed in October 2012. This ordinance does not apply to all trees within the right-of-way as was proposed earlier. Cox read Ordinance No. 3462 for the first time, entitled: An Ordinance Adding Chapter 4.12 Regarding Tree Planting, Maintenance and Removal to the Roseburg Municipal Code.

RESOLUTION NO. 2016-06 – LIBRARY DISTRICT BALLOT MEASURE

As directed at the last meeting, a resolution was prepared regarding placing the question of the possible formation of a library service district on the General Election ballot. Kaser moved to adopt Resolution No. 2016-06 approving a Douglas County order to initiate formation of a Library Service District. Motion was seconded by McDonald.

Councilors reiterated their concerns about the issue. Ryan stated he would not support the resolution due to: 1) the potential \$600,000 impact on the City’s budget, 2) the PAC did not work with the City or the County Commissioners; 3) if the measure passes Countywide but fails in the City, City taxpayers would still have to pay the tax rate Fazio believed City departments were already underfunded and the District had the potential to further reduce that funding while supporting an A+ library budget.

McDonald believed the public vote would fail, but it was important to allow the voters to take part. Marks agreed they should vote, but hoped the citizens will realize the impact of their vote. Rich objected to the \$3.9 million library budget which is more than the library system ever received. Zielinski was concerned about the financial impact on the City. Kaser was concerned that the library would close and believed the citizens needed to decide if the library was important. Motion was then voted on and carried with Fazio, Ryan and Zielinski voting nay.

RESOLUTION NO. 2016-07 – SOCIAL MEDIA POLICY

Colley reported that as part of the City Council goals, use of social media was identified as a method to effectively provide information and increase communication with citizens. A policy is necessary to outline how to use tools such as Facebook and Twitter. The policy addresses responsibilities and access for city posters, content guidelines and public records retention requirements. The initial proposal is to have staff post information without requesting feedback. If feedback is desired, commenters would be referred to the “SpeakUp Roseburg” site. Discussion was held on the need to have a limited forum where the City could control topics and content as chosen by the City and not outside groups. This would not prevent someone from sharing a City post and allowing comments at that shared location. Ryan moved to adopt Resolution No. 2016-07, adopting a City of Roseburg Social Media Policy. Motion was seconded by Fazio and carried unanimously.

RESOLUTION NOS. 2016-08 AND 2016-09 – ROBERTS CREEK ENTERPRISE ZONE

Marks recused himself from participating in this matter due to a conflict. Davis reported that sponsors of the Roberts Creek Enterprise Zone, which include the City of Roseburg, the City of Winston and Douglas County, propose a boundary amendment and designation of an Electronic Commerce Zone. Businesses within the Zone can receive tax credits based upon certain criteria including performance and job creation/retention which is monitored by the State of Oregon. Properties within the City limits that are included in the expansion are a vacant shopping center on Harvard, the Windmill Inn, Coca-Cola Bottling properties, the former Mercy Hospital building, the parking lot east of the County Library and additional property near Sunshine Park. Ryan moved to adopt Resolution No. 2016-08, for the Enterprise Zone Boundary Change for Roberts Creek Enterprise Zone. Motion was seconded by Fazio and carried with Marks abstaining. Ryan moved to adopt Resolution No. 2016-09, requesting that the Roberts Creek Enterprise Zone be designated for electronic commerce. Motion was seconded by Fazio and carried with Marks abstaining.

FIVE YEAR PAVEMENT MAINTENANCE PLAN

Messenger introduced Gabe Crop from Murray, Smith and Associates who helped developed the Five Year Pavement Maintenance Plan. The plan includes projected Pavement Condition Index (PCI ratings) based on various budget scenarios and a list of potential streets for rehabilitation and preventive maintenance treatments. A matrix was created to determine the best treatment for streets based upon their condition. In some cases, deferred maintenance occurs when a street’s PCI falls below 25 and requires a complete reconstruction.

Under the financial scenarios, 1) the current annual funding of \$800,000 decreases the PCI from 72 to 69; 2) maintaining the current PCI would require \$1.44 million per year; 3) raising the PCI by five points over six years requires \$2.4 million annually; 4) an unconstrained scenario requires \$9.8 million to raise the PCI to 80 and the percentage of streets in good

condition would increase from 67% to 95%. Discussion was held on degradation of streets due to classification, amount of traffic, weather conditions, number of street cuts, etc. A special meeting is scheduled on April 25th to discuss funding options to address maintenance needs. These could include a street utility fee or local gas tax.

Kaser moved to accept the Five Year Pavement Maintenance Plan and direct Staff to investigate and report on funding options to provide the resources required to maintain the current Pavement Condition Index. Motion was seconded by Hawks and carried unanimously. Nikki noted some cities do five year bond levies.

ITEMS FROM MAYOR, COUNCIL OR CITY MANAGER

Zielinski noted that this week has been proclaimed as "National Telecommunication Week" in honor of 9-1-1 dispatchers.

McDonald asked if the City Council could meet with the Douglas County Commissioners to discuss potential future impacts on the City due to the County's budgetary issues. Colley indicated he would have discussions with Commission members as it would be difficult to coordinate a full meeting between both bodies.

The meeting recessed at 9:01 p.m. in order for Council to convene in Executive Session under the authority of ORS 192.660(2)(d). The meeting reconvened at 9:24 p.m. at which time the meeting was adjourned.



Debi Davidson
Management Technician

Jc
4/18/16

**ROSEBURG CITY COUNCIL
AGENDA ITEM SUMMARY**



ANNUAL RENEWAL OF ALL OLCC LICENSES

Meeting Date: April 25, 2016	Agenda Section: Consent
Department: City Manager's Office	Staff Contact: Sheila R. Cox
www.cityofroseburg.org	Contact Telephone Number: 492-6866

ISSUE STATEMENT AND SUMMARY

All liquor licenses issued in the City of Roseburg are granted on an annual basis and must be renewed prior to July 1 of each year. Roseburg Municipal Code 9.12 requires a recommendation from Council as to whether or not the license renewals should be approved.

BACKGROUND

Attached hereto is a list of all current OLCC licensees in the City of Roseburg that may be seeking renewal prior to July 1, 2016. To manage the renewal process in a more cost-effective manner, each year I submit the entire list to Council in April, rather than waiting to bring each application to Council as they are individually submitted.

- A. Council Action History.** Council typically recommends OLCC approval of all license renewals after they have been reviewed and approved by the Police Department.
- B. Analysis.** The Police Department has reviewed the list of licenses and has no objection to renewal of all licensees.
- C. Financial and/or Resource Considerations.** Each licensee will be required to pay a renewal fee of \$35.00.
- D. Timing Issues.** As noted, all current licenses will expire on June 30, 2016.

COUNCIL OPTIONS

Council may recommend that OLCC approve renewal on all applications as submitted, deny all applications or approve certain applications and deny others.

STAFF RECOMMENDATION

Staff recommends approval of renewal applications for all licensees.

SUGGESTED MOTION

"I MOVE TO RECOMMEND OLCC APPROVAL OF ALL 2016 RENEWAL APPLICATIONS RECEIVED FROM LICENSEES IN THE CITY OF ROSEBURG."

ATTACHMENTS

- A. List of current licensees

Restaurants with
additional privilege
to serve off location
pay extra fee

ROSEBURG LIQUOR LICENSE RENEWAL LIST – 2016

LICENSEE		ADDRESS
1	1 AM Market (part of Riddle Market)	1931 NE Stephens Street Roseburg, OR 97470
2	Abby's Pizza	1661 NE Stephens Street Roseburg, OR 97470
3	Abby's Pizza	2585 Diamond Lake Blvd. Roseburg, OR 97470
4	Albertson's Food Center #515	3013 NW Stewart Parkway Roseburg, OR 97471 Mail to corporate: Attn: 70428 PO Box 20 Boise, Idaho 83716
5	Alexander's Greek Cuisine (Added Privilege) fee xs 2	643 SE Jackson Street Roseburg, OR 97470
6	Ami Japanese Restaurant	634 SE Cass Avenue Roseburg, OR 97470
7	Anderson Market & Deli	1030 W Harvard Avenue Roseburg, OR 97471 Mail to: 131 Teal Lane Roseburg, OR 97471
8	Applebee's Neighborhood Grill (Apple Oregon, LLC)	2755 NE Edenbower Roseburg, OR 97471 Mail to: PO BOX 507 West Linn, OR 97068
9	ARS 346 (ARS Fresno, LLC)	2610 NW Edenbower Boulevard Roseburg, OR 97471 Mail to: 2204 South El Camino Real, Suite 314 Oceanside, CA 92054
10	Asia Garden (Golden Asia)	2405 NE Diamond Lake Boulevard Roseburg, OR 97470
11	Associated Cellars & Gifts	444 NE Winchester Roseburg, OR 97470
12	Backside Brewing, LLC	1640 NE Odell Avenue Roseburg, OR 97470 Mail to: 950 SE Oak Avenue Roseburg, OR 97470
13	Bangkok West	2521 W Harvard Avenue Roseburg, OR 97471
14	Between the Buns #2	250 NE Garden Valley Boulevard #18 Roseburg, OR 97470

LICENSEE		ADDRESS
15	Big K-Mart #7580 (Sears Holding Management)	2757 Stewart Parkway Roseburg, OR 97471
16	Bi-Mart #609	1381 NW Garden Valley Boulevard Roseburg, OR 97471 Mail to: PO BOX 2310 Eugene, OR 97402
17	Blac-n-Bleu, LLC	1700 Garden Valley Blvd., Ste. 101 Roseburg, OR 97471
18	Blackird Bistro LLC	1969 SE Stephens Street Roseburg, OR 97470
19	Bob's Quick Stop (F & C Market & Rentals Corp)	1147 NE Stephens Street Roseburg, OR 97470 Mail to: PO BOX 2331 Roseburg, OR 97470
20	Brix 527	527 SE Jackson Street Roseburg, OR 97470
21	Brutke's Wagon Wheel Restaurant (H Youngs Corp.)	227 NW Garden Valley Boulevard Roseburg, OR 97470
22	Burrito Vaquero Mexican Restaurant (AP and JP Investments LLC)	850 Garden Valley Boulevard Roseburg, OR 97471
23	Buy2@Diamond Lake (Thabet Management Inc)	1859 Diamond Lake Boulevard Roseburg, OR 97470 Mail to: 4105 Franklin Blvd. Eugene, OR 97403
24	Buy2 013 (Thabet Management Inc.)	334 W Harvard Avenue Roseburg, OR 97471 Mail to: 4105 Franklin Blvd Eugene, OR 97403
25	C&M Tavern (Added Privilege) Fee Xs 2	841 SE Cass Avenue Roseburg, OR 97470
26	Charley's BBQ (CEI Inc.)	812 W Harvard Avenue Roseburg, OR 97471
27	Chen's Family Dish House (Chen's Brother, Inc.)	968 NE Stephens Street Roseburg, OR 97470
28	Chi's Garden Restaurant	1023 NE Stephens Street Roseburg, OR 97470
29	Coho Distributing (Columbia Distributing)	1350 NE Cedar Roseburg, OR 97470 Mail to: Columbia Distributing 4011 Industrial Avenue Springfield, OR 97478
30	Colony Market	1612 NW Keasey Street Roseburg, OR 97470

LICENSEE		ADDRESS
31	Costco Wholesale #1073	4141 NE Stephens Street Roseburg, OR 97470 Mail to: Attn: Licensing PO BOX 35005 Seattle, WA 98124
32	Diamond Lake Market LLC	2976 Diamond Lake Boulevard Roseburg, OR 97470
33	Dinos Ristorante Italiano (Added Privilege) Xs 2	404 SE Jackson Street Roseburg, OR 97470
34	Douglas County Farmers Co- op	3171 NE Stephens Street Roseburg, OR 97470
35	Downtown Market LLC	741 SE Jackson Street Roseburg, OR 97470 Mail to: 1515 W Harvard Avenue Roseburg, OR 97471
36	Draper Brewing	640 Jackson Street Roseburg, OR 97470 Mail to: Sam Eslinger 7752 HWY 42 Tenmile, OR 97481
37	El Dorado Restaurant LLC	368 NE Winchester Street Roseburg, OR 97470
38	Elk's Lodge #326 Roseburg	749 SE Jackson Street (Box 717) Roseburg, OR 97470
39	Elmer's Breakfast Lunch Dinner	1440 NW Mulholland Roseburg, OR 97470
40	Fast Stop Market Diamond Lake	2275-2285 NE Diamond Lake Boulevard Roseburg, OR 97470
41	Fox Den Eatery	838 NW Garden Valley Boulevard Roseburg, OR 97470
42	Fred Meyer #281	929 NW Garden Valley Boulevard Roseburg, OR 97471 Mail to: G. Anderson PO BOX 42121 Portland, OR 97242-0121
43	Garden Valley Liquor Store (Garden Valley Liquor Inc.)	780 Garden Valley Blvd. #84 Roseburg, OR 97471
44	Garden Valley Market	247 NW Garden Valley Boulevard Roseburg, OR 97470
45	Gilberto's Mexican Restaurant	1347 NE Stephens Street Roseburg, OR 97470
46	Grocery Outlet	930 W Harvard Avenue Roseburg, Or 97470
47	HV Cellars (Wild Good Vineyards, LLC)	1247 Pine Street Roseburg, OR 97470
48	Oak Market (HP Johal LLC)	711 SE Oak Street Roseburg, OR 97470 Mail to: PO BOX 1953 Winston, OR 97496
49	Idle Hour Tavern (James Kenneth LLC) (Added Privilege) Fee Xs 2	216 NE Jackson Street Roseburg, OR 97470

LICENSEE		ADDRESS
50	J & J Market #2	1532 SE Stephens Street Roseburg, OR 97470
51	Jasmine's	809 SE Main Street Roseburg, OR 97470
52	Jersey Lilly Tavern	1430 NE Dee Street Roseburg, OR 97470
53	Kodiak Bar & Grill C.W.L. Inc.	929 SE Stephens Roseburg, OR 97470 Mail to: 21608 N Umpqua Hwy Glide, OR 97443
54	Lee's Restaurant	2011 NE Stephens Street Roseburg, OR 97470
55	Lil Pantry LLC - Roseburg	2611 NW Edenbower Blvd. Roseburg, OR 97471 Mail to: 2035 NW Vine Street Grants Pass, OR 97526
56	Linus Oakes	2665 Van Pelt Boulevard Roseburg, OR 97470
57	Little Brothers Pub	428 SE Main Street Roseburg, OR 97470
58	Logger's Gourmet Pizza Inc. (Added Privilege) Fee Xs 2	1350 NE Stephens, Street, Suite 10 Roseburg, OR 97470
59	Loggers Tap House, Inc.	2060 NW Stewart Parkway Roseburg, OR 97471
60	Los Dos Amigos #6	1390 NE Stephens Street Roseburg, OR 97470
61	Mariachi Loco Mexican Restaurant	647-649 SE Jackson Street Roseburg, OR 97470
62	McMenamin's (Added Privilege) Fee Xs 2	700 SE Sheridan Roseburg, OR 97470 Mail to: McMenamin's Inc. 430 N Killingsworth Portland, OR 97217
63	My Coffee & The Wine Experience (Added Privilege) Fee Xs 2	1700 Garden Valley Boulevard, Ste. 100 Roseburg, OR 97471
64	Oak Hills Golf Club, Inc.	1005 NW Stewart Parkway Roseburg, OR 97471 Mail to: 1919 Recreation Lane Sutherlin, OR 97479
65	O'Toole's Pub	328 Jackson Street Roseburg, OR 97470
66	Parkway Market 1 (Garuda Corp)	2980 NW Stewart Parkway Roseburg, OR 97471
67	Paul O'Brien Winery (Umpqua Wine Works, LLC)	606 SE Stephens Street Mail to: PO BOX 1311 Roseburg, OR 97470

LICENSEE		ADDRESS
68	Purple Parrot #1	177 NW Garden Valley Boulevard Roseburg, OR 97470
69	Purple Parrot - Stewart Parkway (Oregon Food Management, Inc.)	3001 NW Stewart Parkway, Suite 101 Roseburg, OR 97471 Mail to: 363 High Street Eugene, OR 97471
70	Red Robin	2200 NW Stewart Parkway Roseburg, OR 97471 Mail to: 3111 Hunts Circle Hunts Point, WA 98004
71	Renard's Deli (Smart Monkey's LLC) (Added Privilege) Fee Xs 2	2230 NW Stewart Parkway A-3 Roseburg, OR 97471 Mail to: 139 Douglas Avenue Winston, OR 97496
72	Ridgeway Market (MS Market LLC)	1800 NW Garden Valley Boulevard Roseburg, OR 97471
73	Rite-Aid #5380	1430 NW Garden Valley Boulevard Roseburg, OR 97471 Mail to: Licensing Dept. PO BOX 3165 Harrisburg, GA 17105
74	Rite-Aid #5382	444 SE Stephens Street Roseburg, OR 97470 Mail to: Licensing Dept. PO BOX 3165 Harrisburg, GA 17105
75	R-Mart	2646 W Harvard Avenue Roseburg, OR 97471
76	Rodeo Family Inc. (Rodeo Steakhouse and Grill)	1200 NW Garden Valley Boulevard Roseburg, OR 97471
77	Roseburg Chevron Center	2625 NE Diamond Lake Boulevard Roseburg, OR 97470 Mail to: P.O. Box 6003 Myrtle Creek, OR 97457
78	Roseburg Cinemas (CineMagic, Inc.)	1750 NW Hughwood Roseburg, OR 97471 Mail to: PO BOX 3280 Ashland, OR 97520
79	Roseburg Tobacco & Food Mart	2050 NE Stephens Street Roseburg, OR 97470
80	Round Table Pizza #236 (Westgate Inc.)	2040 NW Stewart Parkway Roseburg, OR 97471 Mail to: 728 Scotts Valley Road Yoncalla, OR 97499

LICENSEE		ADDRESS
81	Rumors (Kowloons)	2686 NE Diamond Lake Boulevard Roseburg, OR 97470
82	Safeway Stores #1666	1539 NE Stephens Street Roseburg, OR 97470 Mail to Corporate: PO Box 29096, mail stop 6531 Phoenix, AZ 85038-9096
83	Salud Restaurant & Brewery (Salud, Inc.)	537 SE Jackson Street Roseburg, OR 97470
84	Scoreboard Tavern (RMM LLC) (Added privilege) Fee Xs 2	920 SE Stephens Street Roseburg, OR 97470
85	Shanti's Indian Cuisine, LLC	780 NW Garden Valley Blvd. Suite 150 Roseburg, OR 97471
86	Shari's of Roseburg #243	3030 NW Aviation Drive Roseburg, OR 97470
87	Shazaam's	2421 W Harvard Avenue Roseburg, OR 97471
88	Shazaam's #2	2441 W Harvard Avenue Roseburg, OR 97471
89	Sherm's Thunderbird Market #4	2553 NW Stewart Parkway Roseburg, OR 97471
90	Short Cut Market	508 NE Winchester Street Roseburg, OR 97470
91	Si Casa Flores	780 NW Garden Valley #44B Roseburg, OR 97471
92	Sizzler Family Steak House #228 (Double S Foods, LLC)	1156 NW Garden Valley Boulevard Roseburg, OR 97471
93	South Gate Market & Deli Inc.	1967 SE Stephens Street Roseburg, OR 97470
94	Starbucks Coffee #14304	1122 NW Garden Valley Blvd. Roseburg, OR 97471 Mail to: Mailstop S-Tax2 License Services PO BOX 34442 Seattle, WA 98124-1442
95	Stephens Arco AM PM (Thabet Management Inc.) Accountspayable@tmbuy2.com to send receipt	2530 NE Stephens Street Roseburg, OR 97470 Mail to: 4105 Franklin Blvd. Eugene, OR 97403
96	Tee Pee Tavern	1830 NE Stephens Street Roseburg, OR 97470
97	tenDown Bowling & Entertainment	2400 Diamond Lake Boulevard Roseburg, OR 97470
98	Toad's Express Mart #230 (WSCO Petroleum Corp)	334 W Harvard Avenue Roseburg, OR 97470
99	T-Mart (R&J Holding Co.)	1515 W Harvard Avenue Roseburg, OR 97471
100	True Kitchen & Bar (True Group Inc.)	629 SE Main Street Roseburg, OR 97470
101	Two-Shy Brewing, LLC	1308 NW Park Street Roseburg, OR 97470 Mail to: PO BOX 1081 Roseburg, OR 97470

LICENSEE		ADDRESS
102	Umpqua Local Goods	736 SE Cass Avenue Roseburg, OR 97470 Mail to: 605 Kane Street 97470
103	Vapor Krave, LLC	250 NE Garden valley Blvd. #3 Roseburg, OR 97470 Mail to: 282 Champagne Creek Drive Roseburg, OR 97471
104	Walgreens #12068	1377 NE Stephens Street Roseburg, OR 97470 Mail to: Beer & Wine Renewal – Tax Dept. 300 Wilmot Road – MS 3301 Deerfield, IL 60015
105	Walgreens #13819	1236 NW Garden Valley Boulevard Roseburg, OR 97471 Mail to: Eric Lyles PO BOX 901 Deerfield, IL 60015
106	Wal-Mart Stores Inc. #2477	2125 NW Stewart Parkway Roseburg, OR 97471 Mail to: 702 SW 8 th Street Attn: Licensing Bentonville, AR 72716-0500
107	Western Beverage (Anheuser-Busch, LLC)	2249 NE Fleser Avenue Roseburg, OR 97470 Mail to: One Busch, Place, Secretary (202-1) St. Louis, MO 63118
108	The Wild Rose SSS (DDH Life's Goal Inc.)	805 SE Stephens Street Roseburg, OR 97470
109	Windmill Inn of Roseburg (Hanna Hospitality, LLC)	1450 NW Mulholland Drive Roseburg, OR 97470
110	Yellow Flamingo #2 (Southern Oregon Elmer's LLC)	177 NW Garden Valley Boulevard Roseburg, OR 97470 Mail to: 858 NE A Street Grants Pass, OR 97526

SC
4/18/16

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



OLCC APPLICATION-CHANGE OF OWNERSHIP KNOK KNOK LOUNGE

Meeting Date: April 25, 2016
Department: City Recorder
www.cityofroseburg.org

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

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 The Knok Knok Lounge, (Blackbird Bistro), located at 1969 SE Stephens. This is a "Full On-Premises" sales license application submitted by Joseph Bardaville.

- 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 KNOK-KNOK LOUNGE LOCATED AT 1969 SE STEPHENS."

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 _____

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

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

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

① KNOK-KNOK LOUNGE LLC ③ _____

② _____ ④ _____

2. Trade Name (dba): KNOK-KNOK LOUNGE

3. Business Location: 1969 SE STEPHENS ROSEBURG DOUGLAS OR 97470
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 1969 SE STEPHENS ROSEBURG OR 97470
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-672-8589
(phone) (fax)

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

7. If yes to whom: Cheryl Allen Type of License: _____

8. Former Business Name: Blackbird Bistro

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

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

11. Contact person for this application: Joseph Bardaville 541 680 7955
(name) (phone number(s))
746 Plin Myrtle Creek OR 97457 BARDAVILLE@gmail.com
(address) (fax number) (e-mail address)

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 04-11-2016 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

ok
4/18/16

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



Procurement of Two 5-7 Yard Dump Trucks Bid Award Recommendation

Meeting Date: April 25, 2016
Department: Public Works
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

Both the Street Maintenance and Water Divisions are scheduled to replace dump trucks this fiscal year. The issue for Council is whether to award the bid of the purchase to the lowest responsible bidder.

BACKGROUND

A. Council Action History. None.

B. Analysis. The dump truck proposed for replacement in the Street Division is a 2000. It is 16 years old and has about 5,000 hours and 44,360 miles on it. The dump truck proposed for replacement in the Water Distribution Division is also a 2000 with 3770 hours and 37,000 miles on it.

In February 2016, a Request for Proposals (RFP) was issued to purchase one or two 5-7 Yard dump truck(s). One response was received at the March 10th bid opening. The proposals met the specifications with one exception. The intent was to take delivery within 90 days of award. The vendor could not guarantee that timeline. The bid cost was as follows:

<u>Bidder</u>	<u>Price per truck</u>	<u>Trade-in Allowance per truck</u>
DSU Peterbilt & GMC Inc.	\$101,277	\$9,000
Total Bid	\$202,554	
Less Trade-in	<u>\$ 18,000</u>	
<i>Total with Trade-in Option</i>	<i>\$184,544</i>	

The last dump truck that we sold at surplus was in 2014. The truck was 23 years old and we received \$4,210.

C. Financial and/or Resource Considerations. The dump truck for the Street Maintenance division is included in the current fiscal year Equipment Replacement Budget (\$125,000). The dump truck for the Water Distribution division is included in the Water Capital Improvement Fund budget (\$115,000). The proposal received is well within the budgeted resources.

D. Timing Issues. Staff's intent is to purchase the vehicles in the current fiscal year, which ends June 30th. If the procurement is awarded at the April 25th meeting, the City will likely take delivery of the vehicles in mid-July.

COUNCIL OPTIONS

Council has the following options:

1. Award the purchase of two 5-7 yard dump trucks to the lowest responsible proposer, DSU Peterbilt & GMC for \$184,554 with trade-in; or
2. Award the purchase of two 5-7 yard dump trucks to the lowest responsible proposer, DSU Peterbilt & GMC for \$202,554 without trade-in; or
3. Request additional information.
4. Reject the bid and direct staff to not move forward with the purchase.

STAFF RECOMMENDATION

Money has been budgeted and is available to make this purchase. The Public Works Commission discussed this item at their April 14th meeting. The Commission recommended awarding the purchase of two 5-7 yard dump trucks to the lowest responsible proposer, DSU Peterbilt & GMC for \$184,554 with trade-in. Staff concurs with this recommendation.

SUGGESTED MOTION

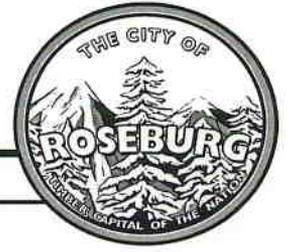
I move to award the procurement of two 5-7 yard dump trucks to DSU Peterbilt & GMC Inc. for \$184,554 with trade-in.

ATTACHMENTS

None.

col
4/20/16

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



ASSIGNMENT OF GROUND LEASE – AVIATION SUITES

Meeting Date: April 25, 2016
Department: City Manager's Office
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

The current lessee of Aviation Suites at the Roseburg Regional Airport has requested assignment of the lease.

BACKGROUND

- A. **Council Action History.** RMC 3.22.160 requires Council approval of the requested assignment, based on a recommendation from the Airport Commission.
- B. **Analysis.** Bill Woods of Pacific Housing Management has requested Lessor's approval of an assignment of the Lease from Pacific Housing Management to John Kittelman and Marilyn Kittelman.
- C. **Financial and/or Resource Considerations.** n/a
- D. **Timing Issues.** The Airport Commission is expected to make a recommendation on the request at their meeting of April 21, 2016, which after distribution of the City Council agenda. Staff will report on their action at the City Council meeting.

COUNCIL OPTIONS

Council has the option to deny or grant the requested assignment.

STAFF RECOMMENDATION

Staff has recommended that the Airport Commission and City Council approve the requested assignment.

SUGGESTED MOTION

"I MOVE TO APPROVE THE REQUESTED ASSIGNMENT OF THE AVIATION SUITES LEASE FROM PACIFIC HOUSING MANAGEMENT TO JOHN KITTELMAN AND MARILYN KITTELMAN."

etc
4/18/16



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

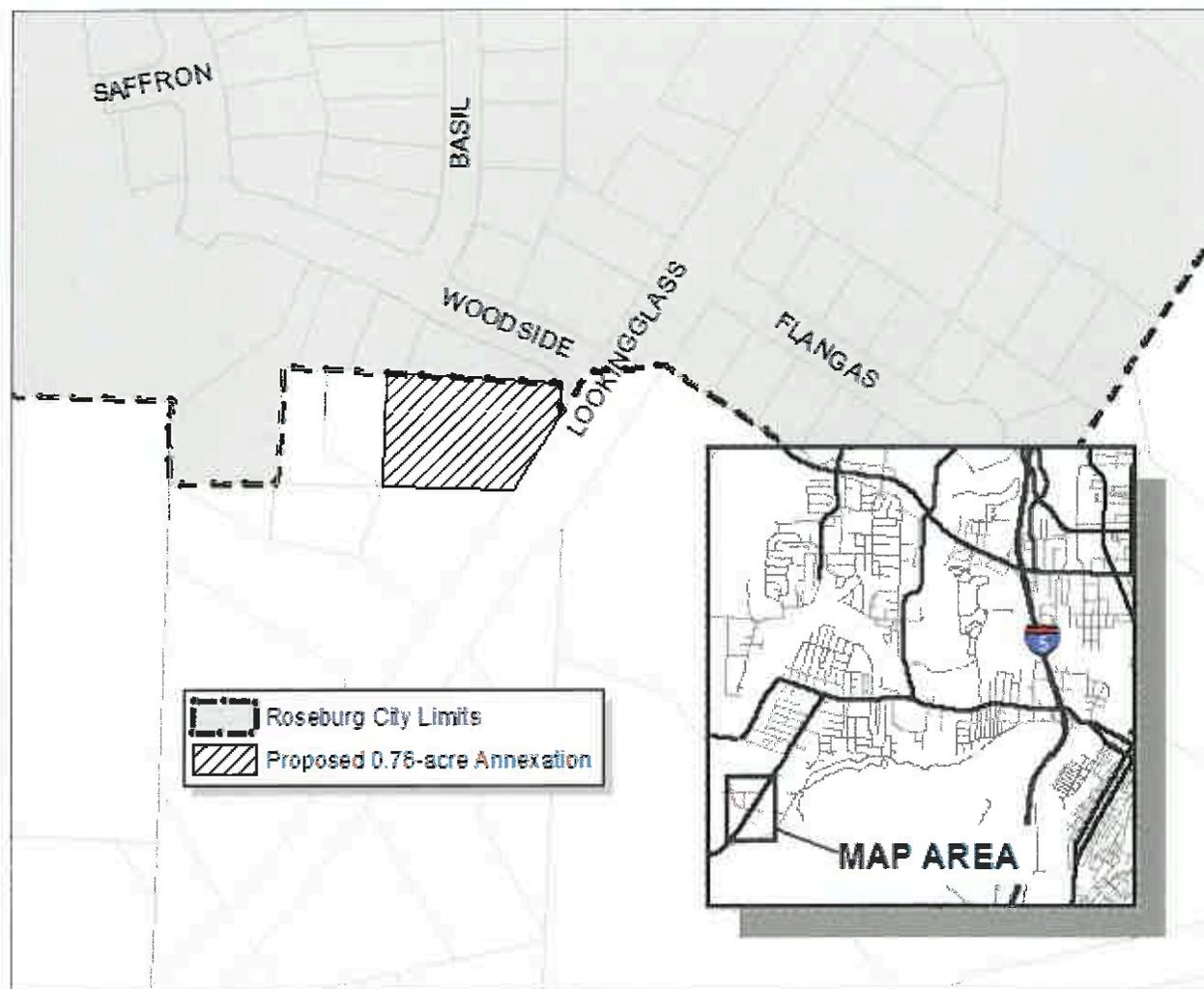
Annexation, Zone Change, and Withdrawal from DC Fire District #2
File Nos. AN-16-1, ZC-16-1

Meeting Date: April 25, 2016
Department: Community Development
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY:

Applicant Steve Loosley has requested the annexation of a 0.76-acre parcel at 1669 W Lookingglass (see map below). Concurrent with the application is a Zone Change and Withdrawal from Douglas County Fire District #2.



BACKGROUND:

A. Council Action History:

None.

B. Analysis:

The annexation is required to satisfy ORS 222.125 and conform to the Roseburg Annexation Policies in Resolution 2006-04. Zone Changes are required to satisfy approval criteria contained within Roseburg Land Use and Development Ordinance Section 5.4.030. For the Withdrawal from DC Fire District #2, ORS 222.524 requires Council to hold a public hearing regarding the question of withdrawal of each property from the Fire District. In accordance with such statute, a notice of the hearing was published in the News-Review once each week for two successive weeks prior to the hearing and posted in four public places in the City for a like period. As of this memo, no objections to this proposal have been submitted to the City.

The Findings of Fact and Order document, together with the Ordinance (all attached) provide the analysis and justification for the recommended approval.

C. Financial and/or Resource Considerations:

The proposed annexation is less than an acre located at the intersection of a major arterial street. The financial gain is negligible, as is the demand on city resources needed to serve the property.

D. Timing Issues:

None.

COUNCIL OPTIONS

1. Adopt Planning Commission's Findings of Fact for approval and proceed with first reading of the ordinance
2. Continue the matter for further consideration
3. Remand the matter back to Planning Commission
4. Adopt Findings of Fact denying the proposal

STAFF RECOMMENDATION

Staff recommends adopting the Planning Commission's Findings and proceeding with first reading of the ordinance.

SUGGESTED MOTION:

"I MOVE TO ADOPT THE FINDINGS OF FACT APPROVED BY THE PLANNING COMMISSION FOR FILE NOS. AN-16-1 and ZC-16-1."

Thereafter, Council should proceed with first reading of the Ordinance provided. No motion is needed, only consensus to proceed by the Council.

ATTACHMENTS:

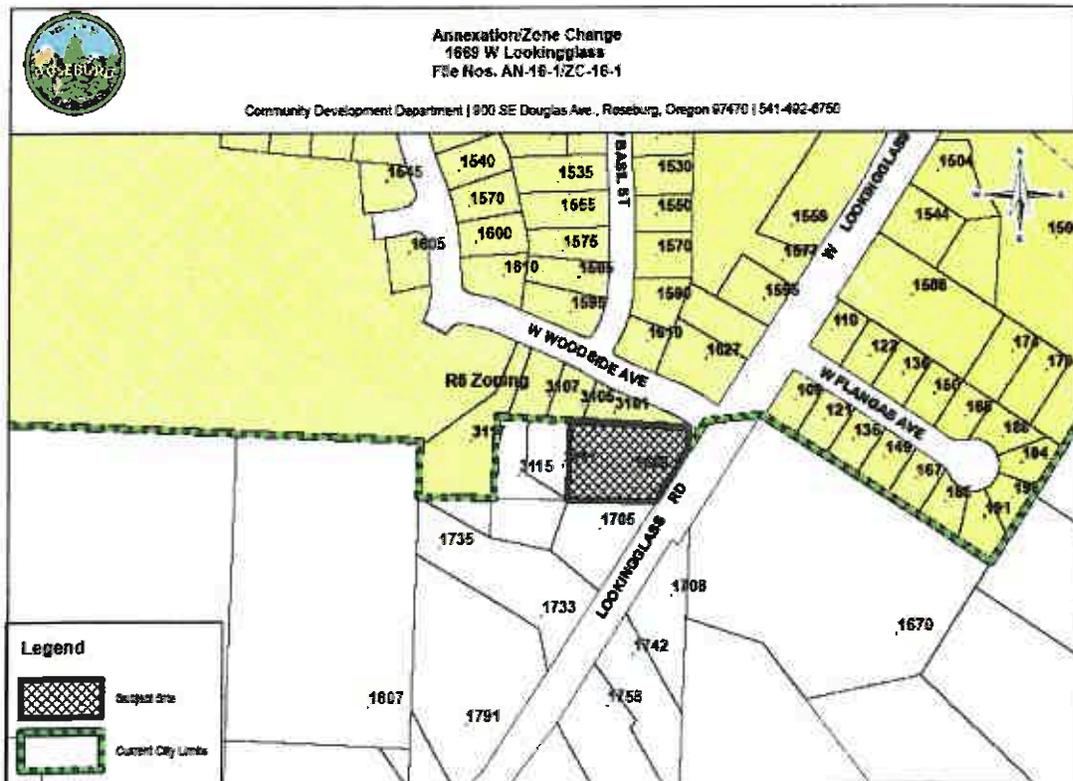
Planning Commission Findings of Fact and Order
Ordinance

In the matter of the application) Annexation: AN-16-1
 by Loosley Development Company LLC) Zone Change: ZC-16-1
 1669 W Lookingglass Street)

**BEFORE THE ROSEBURG PLANNING COMMISSION
 FINDINGS OF FACT AND ORDER**

I. NATURE OF APPLICATION

Property Owner, Loosley Development Company, LLC, represented by Steve Loosley, requests 0.76 acre parcel at 1669 W Lookingglass be annexed into the City. Concurrent with the application is a request to change the zoning of the annexed property from County RS to City R6.



II. PUBLIC HEARING

A public hearing was held on the application before the Roseburg Planning Commission on April 4, 2016. The Planning Commission reviewed Case No. AN-16-1/ZC-16-1, an application for an Annexation and Zone Change, and it was made part of the record.

III. FINDINGS OF FACT

A. EXISTING CONDITIONS

1. The City Council takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and 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, as both may have been amended from time-to-time.
2. Notice of the public hearing before the Planning Commission was given by publication in The News Review, a newspaper of general circulation, at least 20 days prior to the hearing. Notice of the public hearing before the Planning Commission was mailed to all owners of property within 300 feet of the property 20 days prior to the hearing.
3. Notice of the public hearing and proposed land use map amendment information was sent to affected property owners per LUDO 5.1.170.
4. The property may be described as a 0.76-acre parcel described as Tax Lot 00600, Township 27 South, Range 06 West, Willamette Meridian, Section 22DC, currently addressed as 1669 W Lookingglass.
5. The subject property has Comprehensive Plan Land Use Designation of Low-Density Residential (LDR) and Douglas County Zoning of Suburban Residential (RS).
6. The land subject to the annexation proposal is vacant; no electors reside on the site. As the site is within the Urban Growth Boundary of the City of Roseburg all utilities and urban services are available.

B. PROPOSAL

Property Owner, Loosley Development Company, LLC, represented by Steve Loosley, requests 0.76 acre parcel at 1669 W Lookingglass be annexed into the City. Concurrent with the application is a request to change the zoning of the annexed property from County RS to City R6.

C. AGENCY COMMENTS

No remonstrances were received from ODOT, Douglas County, or Roseburg Urban Sanitary Authority.

D. PUBLIC COMMENTS

The Community Development Department notified all owners of surrounding properties per and LUDO 5.1.170. No comments were received.

E. ANALYSIS

The annexation is required to satisfy ORS 222.125, and to conform to the Roseburg Annexation Policies in Resolution 2006-04. Zone Changes are required to satisfy approval criteria contained within Roseburg Land Use and Development Ordinance (LUDO) Sections 5.4.030.

F. REVIEW CRITERIA

1. Pursuant to ORS 222.125, "Annexation by consent of all owners of land," the following criteria must be demonstrated:

- a) Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.*

Finding: The subject property is contiguous with the city limits of Roseburg, and the applicant has given written consent, by applying for the annexation, to be annexed into the city.

2. Pursuant to City of Roseburg Resolution 2006-04, "Annexation Policies," the following Policies shall be adhered to:

- a) **Annexation Encouraged.** Over time, the City of Roseburg shall be the primary provider of municipal water service and other urban services within the UGB, provided the City can offer these services in an efficient and cost-effective manner.*

Annexation to the City should be encouraged:

- 1. For unincorporated areas that are now receiving some City services, are urban in character, or are logically served by the City because of geographic factors such as drainage basins, boundaries, or environmental constraints;*
- 2. Where the availability of infrastructure and services allows for the development of urban densities.*

Finding: The subject property can logically be served by the City given that it is surrounded on three sides by incorporated land. Infrastructure and services necessary for urban densities can be provided when approval is granted for development consistent with the proposed Zoning.

- b) City Initiated Annexation.** *If the City initiates an annexation, then the City shall analyze the financial impacts of the annexation including a calculation of revenues derived from a proposed annexation and the expenses to provide services in the area to be annexed.*

Finding: The City did not initiate this annexation.

- c) Full-Range of City Services in Timely Manner.** *The City shall not initiate annexation proceedings on any property if it cannot provide a full range of City services within approximately a three-year period of time. A full range of City services means a level of urban services approximately similar to that enjoyed by residents currently living in the City of Roseburg.*

Finding: Surrounding properties of the subject property are already served by municipal water and sewer. Extending services to the subject property can be provided within three years, depending on development activity.

- d) Preference for Annexation Areas.** *Highest preference for annexation shall be given to those areas that best meet annexation policies and where revenues derived from the annexed areas exceed City expenses. Lowest preference shall be given to those annexation requests that exhibit a negative financial situation for the City of Roseburg or only minimally meet City annexation policies. Fiscal impacts are only one of many criteria to be evaluated, and must be balanced with other annexation policies and goals.*

Finding: The location of the subject property is at the intersection of two city streets and has, or can have, urban services provided to it in a cost-effective manner consistent with logical growth patterns.

- e) Unincorporated Islands.** *Property that is currently surrounded by land within the City limits (unincorporated islands) shall be discouraged. As soon as practical, the City shall initiate annexation proceedings for such islands.*

Finding: The property is not an island.

- f) Properties Now Served by Municipal Water But Located Outside Existing City Limits.** *Property owners now receiving municipal water service from the City of Roseburg are encouraged to initiate annexation proceedings on their property consistent with these policies.*

Finding: The subject site and properties surrounding the subject property are currently served by municipal water service.

g) New Consent to Annexation Agreements Prohibited. After Council adoption of a change to Roseburg Municipal Code 5.04.060, no new municipal water service shall be provided unless the property is annexed to the City of Roseburg.

Finding: Although currently vacant, the structure previously on site had a city water meter and service which remain on site.

3. Pursuant to LUDO 5.4.030 the following criteria must be demonstrated as being satisfied by the application for approval of the zone change:

a) *The rezoning will conform to the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.*

Applicant's Finding: The rezoning fully conforms to the Comprehensive Plan. The parcel is located within the Roseburg Growth Boundary in an area that is designated Low-density Residential in the Comprehensive Plan. The parcel borders other Low-density Residential land to the north that is developed as a single family residential subdivision (R6). The parcel will be accessed through the residential subdivision and similarly used as single family residential property.

Staff's Finding: The proposed R6 Zone conforms to the Comprehensive Plan under the Low-Density Residential map and applicable written policies.

b) *The site is suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area.*

Applicant's Finding: The site is completely suitable for rezoning to single family residential. All utilities (water, sewer, power, gas, cable) are immediately available, which provides assurance that all public safety and welfare requirements can be satisfied. The topography of the land is gentle sloping, and the soils are stable. The property has a long history of residential use dating to the 1940s.

Staff's Finding: Public health, safety and welfare can be adversely impacted by uses with significant external impacts, dangerous activities, and unsafe or inadequate transportation facilities that provide access to a site. The proposed Zoning District is compatible with the existing development, and as such is presumably no less suitable than the existing County Zoning.

c) *The rezone is consistent with the safety and performance measures of the transportation system.*

Applicant's Finding: The parcel will be accessed through the residential subdivision from West Woodside Ave, so it will enhance public safety by

reducing the access points to Lookingglass Road in a 55 mph zone. West Woodside has more than enough capacity to handle the additional traffic.

Staff's Finding: The locally-classified street network that serves the existing residential development is consistent with the safety and performance measures of the transportation system. The property is served by Lookingglass Street. Any future development would be required to meet access standards determined by the Transportation System Plan, LUDO and Public Works standards.

4. Pursuant to LUDO 6.1.210 the following criteria must be demonstrated as being satisfied by the application for approval of a common boundary line adjustment:

- a) *The [application] information required by [LUDO] has been provided*
- b) *The design and development standards of [LUDO] and the Comprehensive Plan have been met*
- c) *All adjusted lots will be no more non-conforming than the original lots with respect to minimum lot area, dimensions, and building set back requirements for the given zone*
- d) *All adjustments are within a given zone and not among differing zones*
- e) *No substandard lots shall be created*
- f) *The adjustment will not affect or impede the public right of way or any recorded easement*

Finding: The application as submitted satisfied these criteria. Approval of the boundary line adjustment shall be subject to approval conditions set forth in LUDO 6.1.210.

IV. CONCLUSION

Based on the above findings, the Planning Commission concludes that the application meets the criteria for approval in ORS 222.125, Resolution 2006-04, and LUDO 5.4.030.

V. ORDER

Based on the Findings and Conclusions above, the Planning Commission recommends **APPROVAL** of this application to the City Council.



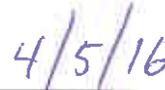
Matthew Powell, Vice-Chair



Date



Brian Davis, Community Development Director



Date

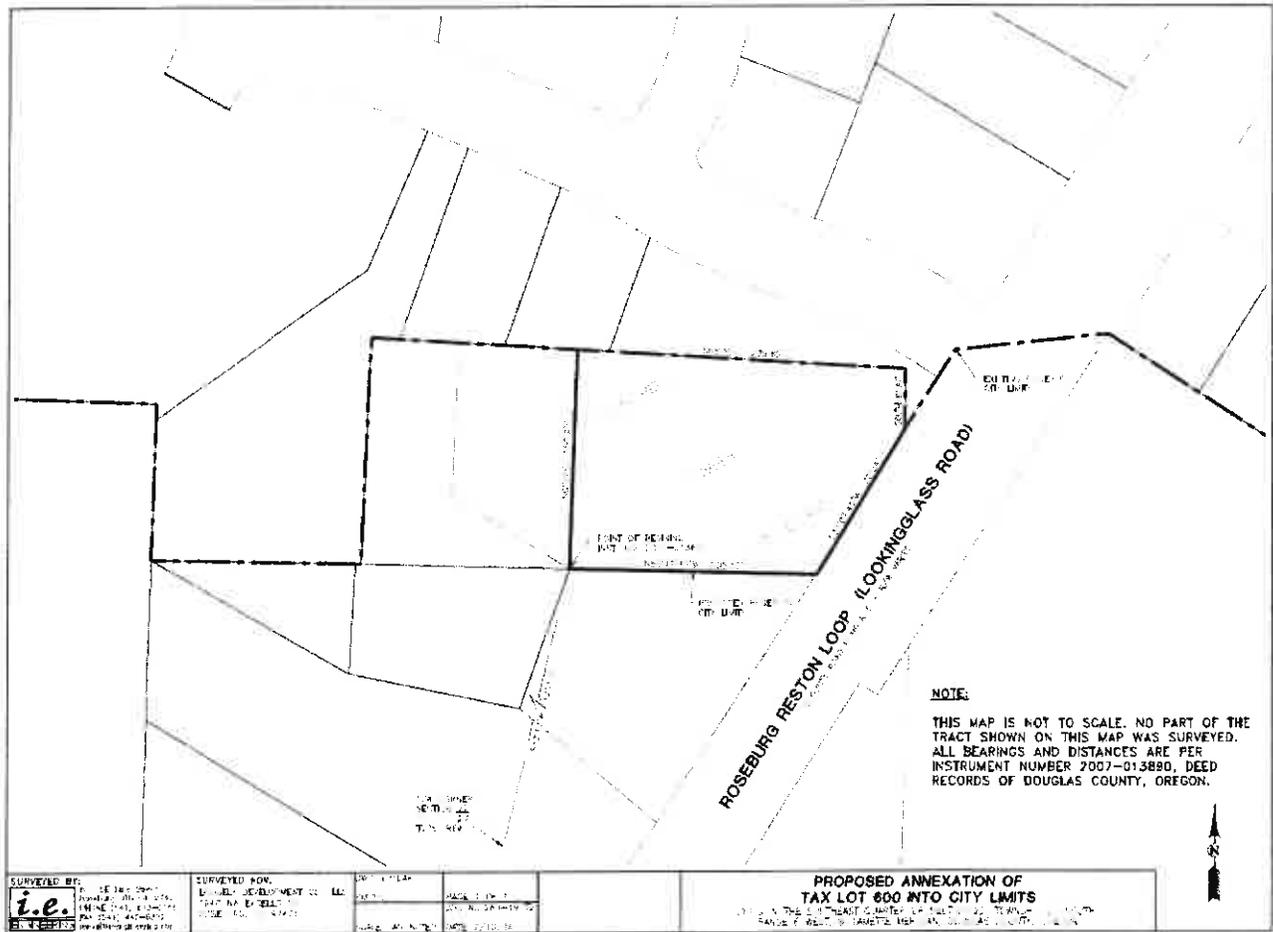
Planning Commission:

Ron Hughes, Chair
Patrick Parson
Kerry Atherton
Duane Haaland
Daniel Onchuck
Brook Reinhard
Matthew Powell

Exhibit A

LEGAL DESCRIPTION FOR ANNEXATION

Beginning at a 1" x 30" angle bar from which the quarter corner of Section 22 and 27, Township 27 South, Range 6 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.



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 and Boundary Line Adjustment comply with Land Use and Development Ordinance Sections 5.4.030 and 6.1.210, respectively.

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 7. 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 8. 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 9. 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 10. 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 25TH DAY OF APRIL 2016.

APPROVED BY THE MAYOR THIS 25TH DAY OF APRIL 2016.

LARRY RICH, MAYOR

ATTEST:

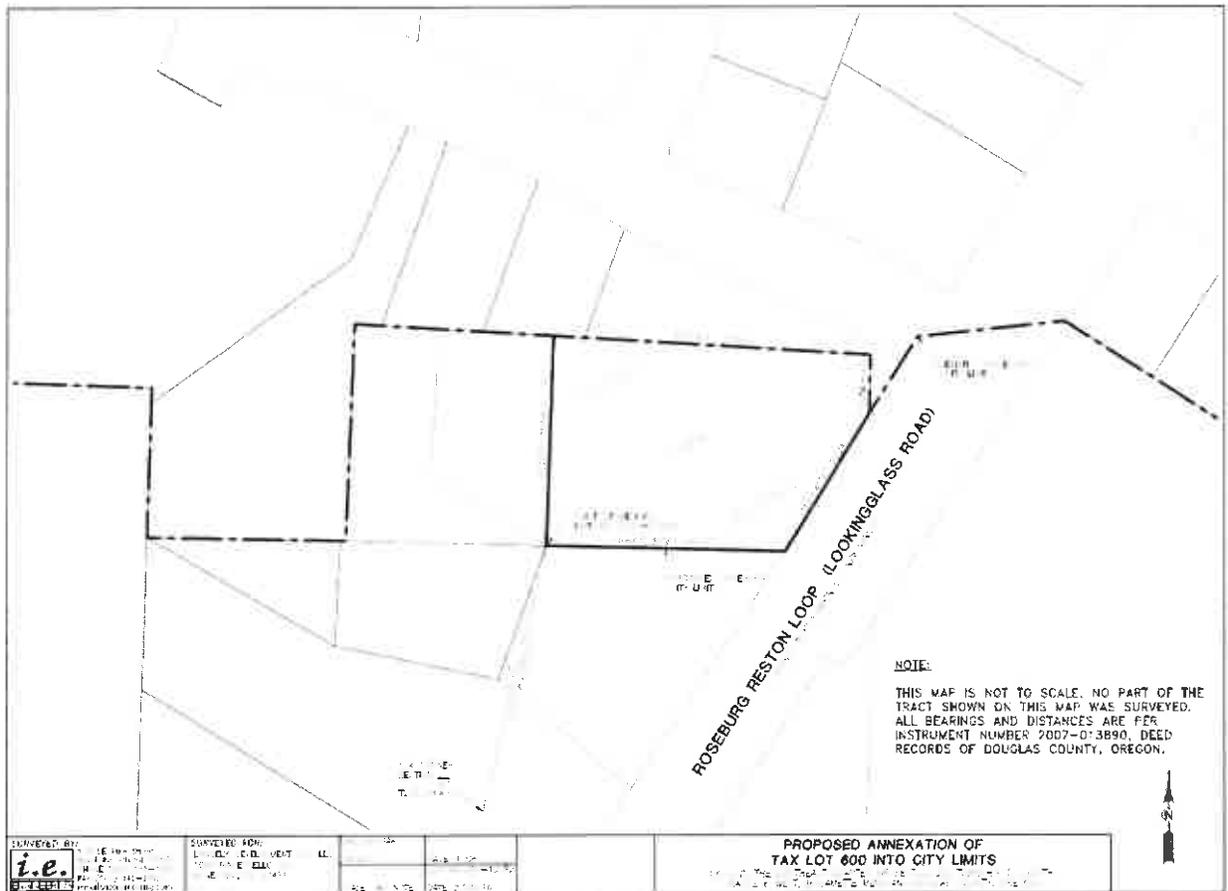
SHEILA R. COX, CITY RECORDER

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. 3460
AN ORDINANCE AMENDING ROSEBURG MUNICIPAL CODE SECTION 9.25.005
REGARDING DEFINITIONS RELATING TO TELECOMMUNICATIONS PROVIDERS

SECTION 1. Roseburg Municipal Code Section 9.25.005, entitled "Definitions", is hereby amended to read as follows:

9.25.005 Definitions. For the purpose of this Chapter, the following terms, phrases, words and their derivations, shall have the meanings given herein. Terms not defined in this Section shall be interpreted in accordance with Chapter 1.04 of this Code. Terms not defined in this Section or in Chapter 1.04 of this Code, shall be given the meaning set forth in the Communications Policy Act of 1934, as amended, the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996. If not defined there, the words shall be given their common and ordinary meaning. Definitions for this Chapter are as follows:

"Cable service" means the one-way transmission to subscribers of video programming, or other video, audio or data service using the same means of transmission as used to transmit video programming; and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"City property" means and includes all real property owned by the City, other than the public way and utility easements as those are defined herein.

"Conduit" means any structure, or portion thereof, containing one or more ducts, conduits, manholes, handholds, bolts or other facilities used for any telegraph, telephone, cable television, electrical or communications conductors or cable facilities.

"Construction" means any activity in the public way resulting in physical change thereto, including excavation or placement of structures, but excluding routine maintenance or repair of existing facilities.

"Control" means actual working control in whatever manner exercised.

"Customer" means both the end user of telecommunications services in the City and any person that acquires telecommunications services, bandwidth or other form of capacity for its own to use or for resale in the City.

"Duct" means a single enclosed raceway for conductors or cable.

"Emergency" has the meaning provided in ORS 401.025.

"Franchise" means a license from the City which grants a privilege to occupy the public way and utility easements within the City for a dedicated purpose, for specific compensation and for a specified period of time.

"Grantee" means the person to whom or the entity to which a telecommunications franchise is granted by the City, including both telecommunication carriers and non-carrier providers.

"Gross revenue" means all revenue earned by a telecommunications provider from operations within the City, including but not limited to service to customers located within the City and other persons who use the grantee's facilities within the City to provide service to customers. A person that sells capacity or bandwidth to another telecommunications provider, as described in section 9.25.380, may deduct the income received in that transaction from its gross revenue for purposes of calculating the franchise fee described in section 9.25.110

"Non-carrier provider" means a telecommunications provider that is not also classified as a telecommunications carrier. It includes but is not limited to providers that install, own or lease facilities in the public way and providers that acquire bandwidth or other capacity to resell or provide service directly to customers in the City. "Non-carrier provider" includes several different types of telecommunications providers, including but is not limited to providers often known as competitive local exchange carriers, resellers and long-haul providers.

"Person" means an individual, corporation, company, association, joint stock company or association, firm, partnership or limited liability company.

"Private telecommunications network" means a system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not for resale, directly or indirectly. "Private telecommunications network" includes services provided by the State of Oregon pursuant to ORS 190.240 and 283.140.

"Public way" includes, but is not limited to, any street, road, bridge, alley, sidewalk, trail, path and utility easement, including the subsurface under and air space over these areas. This definition applies only to the extent of the City's right or authority to grant a franchise to occupy and use such areas for telecommunications facilities. "Public way" does not include City-owned buildings, parks or other property.

"Telecommunications Act" means the Communication Policy Act of 1934, as amended by subsequent enactments including the Telecommunications Act of 1996 (47 U.S.C. sec. 151 et seq.) and as hereafter amended.

"Telecommunications carrier" means a telecommunications provider that is a telecommunication utility as defined in ORS 759.005 or successor statutes or a cooperative corporation formed under ORS Chapter 62 that provides

telecommunications service as defined in ORS 759.005 or successor statutes. It is often known as the incumbent local exchange carrier.

"Telecommunications facilities" means the plant and equipment, other than customer premises equipment, including but not limited to line, pipe, wire cable, fiber, etc. occupying the public way, used, designed or intended for use by a telecommunications provider to provide telecommunications services.

"Telecommunications provider" means: (1) any person that provides telecommunications services to any person or premises within the City, including both telecommunication carriers and non-carrier providers; (2) any person that directly or indirectly owns, leases, operates, manages, or otherwise controls telecommunications facilities which occupy public way within the City; (3) any person that is directly or indirectly owned or controlled by any person described in this definition; and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the City which is used, or to be used for the purpose of offering telecommunication services. For purposes of this definition, "owns" or "controls" means that one person or entity owns more than 25% of the stock or assets or has more than 25% common partners, directors or owners with another entity. In addition, any person that leases, purchases or otherwise receives telecommunications service or use of a telecommunications facility for less than a reasonable price, so as to create a reasonable inference that the two parties did not deal at arm's length, shall be deemed to be owned or controlled by the second party.

"Telecommunications service" means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming or any other information between or among points by wire, cable, fiber optics, or by laser, microwave, radio, satellite or similar wireless facilities, with or without benefit of any closed transmission medium and without regard to the nature of the transmission protocol employed, but does not include: (1) cable television services; (2) private telecommunications network services; (3) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; (4) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act of 1996; (5) services provided solely for the purpose of providing internet service to the customer; (6) public safety radio systems; (7) mobile service within the meaning of 47 U.S.C. Section 153(33) (2012); and services to devices exclusively utilizing electromagnetic spectrum unlicensed by the Federal Communications Commission.

"Telecommunications System" see "Telecommunication facilities" above.

"Telecommunications Utility" has the same meaning as given in ORS 759.005(1).

"Utility easement" means any easement granted to or owned by the City and acquired, established, dedicated or devoted for public utility purposes.

"Utility facilities" means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located under, on, or above the surface of the ground within the public right of way of the City and used or to be used for the purpose of providing utility or telecommunication services.

SECTION 2. All other sections and subsections of Chapter 9.25 of the Roseburg Municipal Code shall remain in full force and effect as written.

**ADOPTED BY THE ROSEBURG CITY COUNCIL ON THIS 25TH DAY OF APRIL,
2016.**

APPROVED BY THE MAYOR ON THIS 25TH DAY OF APRIL, 2016.

LARRY RICH, MAYOR

ATTEST:

SHEILA R. COX, CITY RECORDER

ORDINANCE NO. 3461

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

WHEREAS, Section 34a of House Bill 3400 (2015) provides that a city council may adopt an ordinance to be referred to the voters that imposes up to a three percent tax or fee on the sale of marijuana items by a marijuana 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

WHEREAS, on February 8, 2016, the Roseburg City Council adopted Ordinance No. 3457 establishing regulations relating to the operation of recreational marijuana dispensaries and other commercial marijuana activities; and

WHEREAS, the Roseburg City Council desires to impose a tax on the sale of marijuana items by recreational marijuana dispensaries in the area subject to the jurisdiction of the City;

NOW THEREFORE, THE CITY OF ROSEBURG ORDAINS AS FOLLOWS:

SECTION 1. Chapter 9.17 entitled "Recreational Marijuana Tax" is hereby added to Title 9 of the Roseburg Municipal Code to read as follows:

RECREATIONAL MARIJUANA TAX

- 9.17.005 Purpose**
- 9.17.010 Definitions**
- 9.17.020 Tax Imposed**
- 9.17.030 Deductions**
- 9.17.040 Seller Responsible for Payment of Tax**
- 9.17.050 Penalties and Interest**
- 9.17.060 Failure to Report and Remit Tax—Determination of Tax by Director**
- 9.17.070 Appeals**
- 9.17.080 Refunds**
- 9.17.090 Actions to Collect**
- 9.17.100 Violation Infractions**
- 9.17.110 Confidentiality**
- 9.17.120 Audit of Books, Records or Persons**
- 9.17.130 Forms and Regulations**

9.17.005 PURPOSE. For the purposes of this Chapter, every person who sells marijuana items in the City of Roseburg is exercising a taxable privilege. The tax shall be imposed upon the sale of marijuana items by a marijuana retailer regulated under Chapter 1, Oregon Laws 2015 (Measure 91), as amended by Section 1, Chapter 614 Oregon Laws 2015 (HB 3400) and

Chapter 9.15 of this Code; but shall not be imposed on marijuana sold by medical marijuana dispensaries registered under ORS 475B.450 and Chapter 9.14 of this Code.

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

“Director” means the Finance Director for the City of Roseburg or his/her designee.

“Gross Taxable Sale(s)” means the total amount received in money, credits, property and/or other consideration from sales of marijuana items.

“Marijuana Item(s)” has the meaning assigned to such term under Section 5, Chapter 1, Oregon Law 2015 (Measure 91), as amended by Section 1, Chapter 614, Oregon Laws 2015 (HB 3400).

“Marijuana Retailer(s) or Seller(s)” means a person who sells marijuana items to a consumer in this state and who holds a license under Section 22, Chapter 1, Oregon Laws 2015 (Measure 91).

“Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.

“Purchase or Sale” means the acquisition or furnishing of marijuana Items for consideration by any person within the City.

“Tax” means either the tax payable by the seller or the aggregate amount of taxes due from a seller during the period for which the seller is required to report collections under this Chapter.

“Taxpayer” means any person obligated to account to the Finance Director for taxes collected or to be collected, or from whom a tax is due, under the terms of this Chapter.

9.17.020 **TAX IMPOSED.** To the fullest extent permitted under Section 34a, Chapter 614, Oregon Laws 2015 (HB 3400), there is hereby levied a tax which shall be paid by every marijuana retailer exercising the taxable privilege of selling marijuana items. The amount of tax levied shall be three percent (3%) of the gross sales of the marijuana retailer in the area subject to the City’s jurisdiction. The seller shall collect the tax at the point of sale of a marijuana item. Subject to applicable law, the tax rate may be adjusted from time to time by Council resolution.

9.17.030 **DEDUCTIONS.** The following deductions shall be allowed against sales received by the seller providing marijuana:

- A. Refunds of sales actually returned to any purchaser;
- B. Any adjustments in sales which amount to a refund to a purchaser, providing such adjustment pertains to the actual sale of marijuana and does not include any adjustments for other services furnished by a seller.

9.17.040 SELLER RESPONSIBLE FOR PAYMENT OF TAX.

A. Every seller shall, on or before the last day of the month following the end of each calendar quarter (in the months of April, July, October and January) make a return to the Director, on forms provided by the City, specifying the total sales subject to this Chapter and the amount of tax collected under this Chapter. The seller may request or the Director may establish shorter reporting periods for any seller if the seller or Director deems it necessary in order to insure collection of the tax and the Director may require further information in the return relevant to payment of the tax. A return shall not be considered filed until it is actually received by the Director.

B. At the time the return is filed, the full amount of the tax collected shall be remitted to the Director. Payments received by the Director for application against existing liabilities will be credited toward the period designated by the taxpayer under conditions that are not prejudicial to the interest of the City. A condition considered prejudicial is the imminent expiration of the statute of limitations for a period or periods.

C. Non-designated payments shall be applied in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to the underlying tax. If the Director, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the City in a particular tax or factual situation, the Director may order such a change. The Director may establish shorter reporting periods for any seller if the Director deems it necessary in order to insure collection of the tax. The Director also may require additional information in the return relevant to payment of the liability. When a shorter return period is required, penalties and interest shall be computed according to the shorter return period. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by sellers pursuant to this Chapter shall be held in trust for the account of the City until payment is made to the Director. A separate trust bank account is not required in order to comply with this provision.

D. Every seller required to remit the tax imposed in this Chapter shall be entitled to retain five percent (5%) of all taxes due to defray the costs of bookkeeping and remittance.

E. Every seller must keep and preserve, in an accounting format established by the Director, records of all sales made by the dispensary and such other books or accounts as may be required by the Director. Every seller must keep and preserve for a period of three (3) years all such books, invoices and other records. The Director shall have the right to inspect all such records at all reasonable times.

9.17.050 PENALTIES AND INTEREST.

A. Any seller who fails to remit any portion of the tax imposed by this Chapter within the time required shall pay a penalty of ten percent (10%) of the amount of the tax, in addition to the amount of the tax.

B. Any seller who fails to remit any delinquent remittance on or before a period of 60 days following the date the remittance first became delinquent shall pay a second delinquency

penalty of ten percent (10%) of the amount of the tax in addition to the amount of the tax and the penalty first imposed.

C. If the Director determines that the nonpayment of any remittance due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in Subsections A and B of this Section.

D. In addition to the penalties imposed, any seller who fails to remit any tax imposed by this Chapter shall pay interest at the rate of one percent (1%) per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Every penalty imposed, and such interest as accrues under the provisions of this Section, shall become a part of the tax required to be paid.

F. All sums collected pursuant to the penalty provisions in Subsection A through C of this Section will be distributed to the City's General Fund.

G. Penalties for late tax payments may be waived or reduced by the Director pursuant to City Council policy. Nothing in this Subsection requires the City to reduce or waive penalties.

9.17.060 FAILURE TO REPORT AND REMIT TAX – DETERMINATION OF TAX BY DIRECTOR.

If any seller should fail to make, within the time provided in this Chapter, any report of the tax required by this Chapter, the Director shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of tax due. As soon as the Director shall procure such facts and information as is able to be obtained, upon which to base the assessment of any tax imposed by this Chapter and payable by any seller, the Director shall proceed to determine and assess against such seller the tax, interest and penalties provided for by this Chapter. In case such determination is made, the Director shall give a notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the seller so assessed at the last known place of address. Such seller may make an appeal of such determination as provided in Section 9.17.070. If no appeal is filed, the Director's determination is final and the amount thereby is immediately due and payable.

9.17.070 APPEALS. Any seller aggrieved by any decision of the Director with respect to the amount of such tax, interest and penalties, if any, may appeal to the City Manager in accordance with the same procedures as set forth in Section 9.100.050 of this Code. Any amount found to be due shall be immediately due and payable upon the service of notice.

9.17.080 REFUNDS.

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the City under this Chapter, it may be refunded as provided in the following Subsection B of this Section, provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Director within one year of the date of payment. The claim shall be on forms furnished by the Director.

B. The Director shall have 20 calendar days from the date of receipt of a claim to review the claim and make a determination in writing as to the validity of the claim. The Director shall notify the claimant in writing of the Director's determination. Such notice shall be mailed to the address provided by claimant on the claim form. In the event a claim is determined by the Director to be a valid claim, in a manner prescribed by the Director a seller may claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously collected or received. The seller shall notify Director of claimant's choice no later than 15 days following the date Director mailed the determination. In the event claimant has not notified the Director of claimant's choice within the 15 day period and the seller is still in business, a credit will be granted against the tax liability for the next reporting period. If the seller is no longer in business, a refund check will be mailed to claimant at the address provided on the claim form.

C. No refund shall be paid under the provisions of this Section unless the claimant established the right by written records showing entitlement to such refund and the Director acknowledged the validity of the claim.

9.17.090 ACTIONS TO COLLECT. Any tax required to be paid by any seller under the provisions of this Chapter shall be deemed a debt owed by the seller to the City. Any such tax collected by a seller which has not been paid to the City shall be deemed a debt owed by the seller to the City. Any person owing money to the City under the provisions of this Chapter shall be liable to an action brought in the name of the City for the recovery of such amount. In lieu of filing an action for the recovery, the City, when taxes due are more than 30 days delinquent, can submit any outstanding tax to a collection agency. So long as the City has complied with the provisions set forth in ORS 697.105, in the event the City turns over a delinquent tax account to a collection agency, it may add a reasonable fee to the amount owing, not to exceed the collection fee of the collection agency.

9.17.100 VIOLATIONS.

A. In addition to the penalties provided in Section 9.17.050, a violation of this Chapter is an offense punishable by fine as well as imprisonment as set forth in Section 1.06.010 of this Code. It is a violation of this Chapter for any seller or other person to:

1. Fail or refuse to comply as required herein;
2. Fail or refuse to furnish any return required to be made;
3. Fail or refuse to permit inspection of records;
4. Fail or refuse to furnish a supplemental return or other data required by the Director;
5. Render a false or fraudulent return or claim; or
6. Fail, refuse or neglect to remit the tax to the City by the due date.

B. The remedies provided by this Chapter are not exclusive and do not prevent the City from exercising any other remedy available under the law.

C. The remedies provided by this Chapter do not prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under State law or City ordinance.

9.17.110 CONFIDENTIALITY. Except as otherwise required by law, it shall be unlawful for the City, any officer, employee or agent to divulge, release or make known in any manner any

financial information submitted or disclosed to the City under the terms of this Chapter. Nothing in this Section shall prohibit:

- A. The disclosure of the names and addresses of any person who is operating a licensed establishment from which marijuana is sold or provided; or
- B. The disclosure of general statistics in a form which would not reveal an individual seller's financial information; or
- C. Presentation of evidence to a court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the Director or an appeal from the Director for any amount due the City under this Chapter; or
- D. The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures; or
- E. The disclosure of records related to a business' failure to report and remit the tax when the report or tax is in arrears for over six months or the tax exceeds five thousand dollars (\$5,000). The City Council expressly finds and determines that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.501(5).

9.17.120 AUDIT OF BOOKS, RECORDS OR PERSONS. The City, for the purpose of determining the correctness of any tax return required, or for the purpose of an estimate of taxes due pursuant to this Chapter, may examine or may cause to be examined by an agent or representative designated by the City for that purpose, any books, papers, records, or memoranda, including copies of seller's state and federal income tax return, bearing upon the matter of the seller's tax return. All books, invoices, accounts and other records shall be made available within the City limits and be open at any time during regular business hours for examination by the Director or an authorized agent of the Director. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the Director may immediately seek a subpoena from the Roseburg Municipal Court to require that the taxpayer or a representative of the taxpayer attend a hearing or produce any such books, accounts or records for examination.

9.17.130 FORMS AND REGULATIONS. The Director is hereby authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection of said marijuana tax and in particular and without limiting the general language of this Chapter, to provide for:

- A. A form of report on sales and purchases to be supplied to all vendors; and
- B. The records which sellers providing marijuana are to keep concerning the tax imposed by this Chapter.

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.

SECTION 3. SAVINGS. Notwithstanding any amendment or repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This Section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 4. REFERRAL. This ordinance shall be referred to the electors of the City of Roseburg at the next statewide general election on Tuesday, November 8, 2016.

SECTION 5. WHEN ORDINANCE CAN TAKE EFFECT. This Ordinance will take effect (and the tax will commence to be levied and imposed) upon passage of the referral measure by the electors of the City of Roseburg at the next statewide general election held on Tuesday, November 8, 2016.

ADOPTED BY THE ROSEBURG CITY COUNCIL ON THIS 25TH DAY OF APRIL, 2016.

APPROVED BY THE MAYOR ON THIS 25TH DAY OF APRIL, 2016.

LARRY RICH, MAYOR

ATTEST:

SHEILA R. COX, CITY RECORDER

ORDINANCE NO. 3462

AN ORDINANCE ADDING CHAPTER 4.12 REGARDING TREE PLANTING, MAINTENANCE
AND REMOVAL TO THE ROSEBURG MUNICIPAL CODE

SECTION 1. Chapter 4.12 entitled "*Tree Planting, Maintenance and Removal*" is hereby added to the Roseburg Municipal Code to read as follows:

CHAPTER 4.12 TREE PLANTING, MAINTENANCE AND REMOVAL

4.12.005 Definitions. For purposes of this Chapter, the following words and phrases shall have the meanings assigned to them by this Section:

"Excavation" means the mechanical removal of more than 2 cubic feet of earth material.

"Hazard Tree" means any tree with a structural defect, disease, or a combination of these that make it subject to a structural failure that may cause damage to persons and/or property.

"ISA" means International Society of Arboriculture.

"Park Tree" means trees, shrubs, bushes, and all other woody vegetation in public parks and all areas owned by the City and to which the public has free access.

"Parkway Strip" means that portion of the public way that is located between the curb and the sidewalk if the curb is not immediately adjacent to the sidewalk.

"Person" includes any individual, firm, association, or corporation of any kind, whether acting directly or through an agent.

"Public way" means any street, road, alley, right-of-way, pedestrian or bicycle easement, or utility easement for public use which is controlled by the City.

"Remove or Removal" means the act of removing a tree by digging it up or cutting it down, or any act which causes a tree to die within a period of three (3) years, including, but not limited to, damaging the root system; changing the ground level at the trunk or root zone, excessive pruning or any other action that is deemed to be harmful to the tree.

"Street Tree" means trees, shrubs, bushes, and all other woody vegetation located within the public sidewalk or parkway strip.

"Topping" means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to substantially remove the normal canopy.

"Tree" means a woody perennial, usually with one main trunk, attaining a height of at least six feet at maturity of a trunk diameter of at least two inches, including shrubs planted in the public way or so near public way as to obstruct or interfere with public use of the public way.

"Tree Board" means the City of Roseburg Parks and Recreation Commission.

“Tree Program” means a manual prepared by the Public Works Director, or designee, containing regulations and standards for the planting, maintenance and removal of trees in, upon, overhanging or otherwise affecting public ways or City owned properties within the City limits.

4.12.010 Tree Program. The Public Works Director shall develop the City of Roseburg Tree Program outlining the standards for the planting, maintenance and removal of Street Trees within public ways and located on City owned properties. The Tree Board shall approve the standards and regulations outlined within the Tree Program.

4.12.020 Permit Required.

A. No person shall perform or cause to be performed any pruning of a branch greater than 3 inches in diameter, or removing of a Park Tree or Street Tree without first obtaining a permit from the Public Works Director.

B. No person shall excavate or cause an excavation within ten (10) feet of the base of a street tree or park tree without first obtaining a permit from the Public Works Director.

C. Exemptions. The following persons or entities are exempt from the permit requirements listed in 4.12.020 (A) and (B):

1. A municipal utility or franchisee that is required to perform or cause to be performed the pruning of a street tree or park tree due to a threat to their above ground facility or a risk to public safety.
2. Any employee of the City of Roseburg, or contractor hired by the City of Roseburg, performing their assigned duties.
3. A person responding to a hazard tree posing an immediate threat to pedestrians, traffic, or structures.

4.12.030 Responsibility for Maintenance and Liability for Injuries.

A. The owner of the land abutting any public way shall be responsible for the maintenance of any tree located on his or her property or within the public way abutting his or her property to the following standards:

1. Any tree overhanging a street shall be pruned to maintain a minimum vertical clear space of at least fifteen (15) feet over the street.
2. All trees overhanging a sidewalk shall be pruned to maintain a minimum vertical clearance of nine (9) feet above the sidewalk, unless otherwise noted in the Tree Program.
3. All trees shall be maintained so as not to block any traffic control sign or other traffic control device.
4. All trees shall be maintained so as to not block the clear vision required for any driveway or intersection as outlined in the Land Use and Development Ordinance.
5. All dead, diseased, or dangerous trees; or broken or decayed limbs which constitute a risk to public safety, as determined by City Public Works, including uplifting of sidewalk panels shall be pruned or removed to eliminate the identified hazard.

B. The owner of property abutting a tree located on public way shall be liable for injury, damage, or loss to persons or property caused by the property owner’s failure to comply with this section.

C. If the City is required to pay damages for an injury to any person caused by the failure of an owner to maintain a tree in good repair or safe condition, such owner shall reimburse the City for the amount of the damages thus paid and for the attorney fees and costs of defending against the claim for damages. The City may maintain an action in a court of competent jurisdiction to enforce the provisions of this Section.

4.12.040 Standards for Maintenance and/or Removal.

A. All trees requiring pruning located within a parkway strip, sidewalk area or on City owned property shall be pruned to ISA Best Management Practices Pruning Standards as identified in the Tree Program.

B. All persons working on trees within or affecting the public way shall be required to remove all debris from the public way by sunset of the same day unless specifically authorized to do otherwise by the Public Works Director. The area impacted by the debris removal shall be swept clean.

C. A Lane Closure permit from City Public Works shall be required if the roadway will be impacted by the tree work.

D. Removal.

1. The Public Works Director or designee may issue a permit for the removal of a tree for one or more of the following reasons:
 - a. The tree poses a safety hazard to pedestrian or vehicle traffic or threatens a structure or public utility which cannot be abated with proper pruning.
 - b. The tree prevents access to or from a lot or parcel, or prevents the reasonable development of the lot or parcel or the physical use of the parcel.
 - c. The tree is diseased or insect infested and as such poses a hazard to people, property, or other trees.
 - d. The tree is weakened by age, storm, fire, ice or other injury so as to cause a danger to people, property, or other trees.
 - e. The tree is causing damage to abutting buildings, sidewalks, or utilities.
 - f. The tree is dead.
 - g. Or for a reason, not listed above, that has been deemed necessary by the Public Works Director.
2. All stumps within the public way shall be removed to at least one (1) foot below grade.
3. As a condition of removal, the Public Works Director may require the planting of a replacement tree within close proximity to the tree for which a removal permit has been issued.

4.12.050 Planting. Planting practices shall be carried out as specified within the Tree Program.

4.12.060 Notification of Maintenance Required

A. The Public Works Director, or designee, may serve notice on the abutting property owner to prune, remove, or otherwise perform maintenance on any tree within or overhanging the public way in order to meet the standards outlined in Section 4.12.040. Neither the duty of the abutting

property owner to maintain trees located on an abutting public way, nor the liability for the property owner's failure to do so, is dependent upon any notice from the City.

B. Within fourteen (14) calendar days of receiving notification from the Public Works Director or designee that tree maintenance or removal is required, the responsible property owner shall apply for a permit to perform said maintenance or removal.

C. If an abutting property owner fails to correct the condition described in the notice within the time specified in the notice or the decision on appeal, the City may do so and assess the property owner the actual cost for the required work to be completed plus an administrative fee as adopted by City Council.

4.12.070 Tree Maintenance by City. The City shall have the right to plant, prune, maintain, and remove trees located within the public way or parks. The City may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to utilities, or infected by fungus, insect, or other pest. The City may remove, or cause to be removed, any tree which is required to be removed as part of a capital improvement project. This section does not prohibit the planting of street trees by adjacent property owners, providing the selection and location of said tree is in accordance with Tree Program.

4.12.080 Violations and Penalties.

A. The following acts shall be considered offenses of this Section.

- 1. Mutilation.** Unless specifically authorized in writing by the Public Works Director, or designee, no person shall damage, cut, carve, transplant, or remove any Street Tree or Parks Tree ; attach any rope, wire, nails, advertising posters, or other contrivance; place, deposit or store any stone, brick, sand, earth, or other material as to impede the passage of water, air and fertilizer to the roots or allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with the tree; cause compaction under the drip-line of the tree; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any such tree.
- 2. Tree Topping.** No person shall top any street tree or park tree. Pruning performed by franchisees to clear utility lines where other pruning practices are impractical, may be exempted from this section with written authorization from the Public Works Director or designee.

B. Penalty. Any person who violates any provision of this ordinance may be subject to a fine not to exceed fifteen hundred dollars (\$1500) for each separate offense as outlined in Section 1.06.010. In addition, if as the result of the violation of the provisions of this ordinance, the injury, mutilation or death of a Street Tree or Park Tree is caused; the cost of repair or replacement of such tree shall be borne by the person in violation. The replacement value of trees and shrubs shall be determined in accordance with the latest revision of "Valuation of Landscape Trees, Shrubs and Other Plants" as published by the International Society of Arboriculture.

4.12.090 Variances.

A. Upon written application thereof, the Tree Board may grant variances from the requirements of this Chapter if it determines that any of the following conditions exist:

1. That strict compliance with the requirements will constitute a taking of property without due process of law;
2. That strict compliance with the requirements will create an unreasonable hardship in the use of the property but will not be contrary to the public interest and will not unreasonably and adversely affect other properties or persons.
3. That strict compliance with the requirements will create a safety hazard to people or property.

B. Before granting any variance to this chapter or the Tree Program, the Tree Board shall afford all interested persons to be heard on the matter and shall give notice of such hearing by sending notification of the meeting date to all property owners located within 300 feet of the tree that is the subject of the variance.

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

ADOPTED BY THE ROSEBURG CITY COUNCIL ON THIS 25TH OF APRIL, 2016.

APPROVED BY THE MAYOR ON THIS 25TH OF APRIL, 2016.

LARRY RICH, MAYOR

ATTEST:

SHEILA R. COX, CITY RECORDER

ofc
4/18/16

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



Ordinance Amending Section 2.24.020 of the Roseburg Municipal Code

Meeting Date: April 25, 2016
Department: Public Works
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

The proposed "Tree Ordinance" includes the provision for the City's Parks and Recreation Board to also serve as the Tree Board. The issue for Council is whether to hear first reading of an ordinance amending the Roseburg Municipal Code (RMC) to reflect these additional duties.

BACKGROUND

- A. Council Action History.** Council heard first reading of Ordinance No. 3464 on April 11, 2016. Second reading and adoption is scheduled for the April 25th meeting.
- B. Analysis.** One of Council's goals is to become designated as a "Tree City USA". In order to fulfill this goal, Council has taken steps to adopt a Tree Ordinance. The ordinance designates the Parks and Recreation Board as the Tree Board. As the Tree Board, the Commission will approve standards and regulations relating to the Tree Program and provide a means of appeal to the standards and regulations.
- C. Financial and/or Resource Considerations.** None.
- D. Timing Issues.** If adopted at the April 25th meeting, the Tree Ordinance will become effective on May 25, 2016.

COUNCIL OPTIONS

Council has the following options:

1. Allow first reading of the attached ordinance amending section 2.24.020 of the RMC;
or
2. Direct staff to make changes to the attached ordinance and return for first reading.

STAFF RECOMMENDATION

Staff recommends that Council proceed with first reading of the attached ordinance.

SUGGESTED MOTION

If it is the consensus of Council to proceed with first reading of the ordinance, no motion is required.

ATTACHMENTS

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

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 ____ DAY OF _____, 2016.

APPROVED BY THE MAYOR ON THIS ____ DAY OF _____, 2016.

LARRY RICH, MAYOR

ATTEST:

SHEILA R. COX, CITY RECORDER

Handwritten: 4/19/16

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



WETLAND DEED RESTRICTION

Meeting Date: April 25, 2016

Department: City Manager's Office

www.cityofroseburg.org

Agenda Section: Department Items

Staff Contact: Lance Colley

Contact Telephone Number: 541-492-6863

ISSUE STATEMENT AND SUMMARY

The City Council is asked to authorize the execution of a "Declaration of Covenants and Restrictions and Access Easement" (Declaration) for property located in the vicinity of Edenbower Boulevard and Aviation Drive.

BACKGROUND

A. Council Action History.

April 29, 2003 – The City Council authorized proceeding to designate wetland mitigation property for Rick Ruggiero, developer of the Oakridge Apartments.

August 11, 2003 - The City Council authorized execution of a development agreement to license wetland mitigation property to Lowe's.

B. Analysis.

In the late 1980's/early 1990's development of the Oakridge Apartments on Renann and Edenbower Boulevards required the mitigation of wetlands. As development occurred north of Renann, additional wetland mitigation was required. This mitigation was provided on City-owned property located just north of Edenbower Boulevard and west of Aviation Drive in the Runway Protection Zone.

A private party is proposing to build a commercial development in the Renann area that was mitigated. The Department of State Lands (DSL) requires that a "Declaration of Covenants and Restrictions and Access Easement" (Declaration) be placed on the mitigation site property prior to development.

The Declaration will allow the property owner to continue with development and act as a deed restriction to:

1. Put the property in perpetual protection and conservation as a wetland and require that it remains substantially in its restored, enhanced, preserved, open and natural condition, in perpetuity. This includes outlining restrictions for vehicle access, a restriction on filling, excavating or building in the area or using the property for any purposes other than as a wetland mitigation site.
2. Provide an easement and right of entry to the DSL in order to monitor the site and determine compliance with the permit requirements.

As this declaration requires restriction of the property in perpetuity, it requires Council authorization prior to execution by the City Manager. It was Staff's understanding that these restrictions have been in place since the mitigation project was approved; however, no "recorded" deed restrictions were put in place in 2003.

C. Financial and/or Resource Considerations. Legal costs will be incurred to have the property documents prepared. A draft has been provided and the cost will be minimal.

D. Timing Issues. In order to not impede the planned commercial development, it is recommended the City Council act as soon as practical to approve the Declaration.

COUNCIL OPTIONS

- 1) Authorize the City Manager to execute the Declaration; or
- 2) Request more information from staff; or
- 3) Direct staff to investigate the need for the declaration which may delay the project.

STAFF RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute the wetland deed restriction.

SUGGESTED MOTION

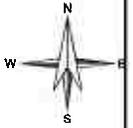
I move to authorize the City Manager to execute and record a Declaration of Covenants and Restrictions and Access Easement for property located north of Edenbower Boulevard.

ATTACHMENTS

Map



Wetland Mitigation Area April 2016



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



Legend

 Wetland_Mit_DR_Aviation

1 inch = 150 feet

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

CL
4/18/16

INFORMATIONAL A
4-25-16



ACTIVITY REPORT

Meeting Date: April 25, 2016
Department: City Manager
www.cityofroseburg.org

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

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 April 25, 2016, meeting, I provide the following items:

- Department Head Meeting Agendas
- Tentative Future Council Agenda Items
- City Manager Weekly Messages
- Quarterly Financial Report – Quarter Ended March 31, 2016
- Quarterly Municipal Court Report – Quarter Ended March 31, 2016



Agenda
Department Heads Meeting
April 12, 2016 – 9:00 a.m.

1. Review April 11, 2016 Council Meeting
2. Review Tentative April 25, 2016 Council and Urban Renewal Meetings
3. Tentative Future Agenda
4. Document Signing/Grants
 Ford Family Foundation Technical Assistance Grant
5. Bike Friendly City
6. Grandview
7. Social Media Implementation
8. Department Items



Agenda
Department Heads Meeting
April 18, 2016 – 10:00 a.m.

1. Review Tentative April 25, 2016 Council and Urban Renewal Meetings
2. Tentative Future Agenda
3. Document Signing/Grants
 ODOT HSIP Agreement – Garden Valley Signals
4. Election Signs
5. 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

May 9, 2016

6:00 Work Session

- A. Infrastructure Funding

Consent Agenda

- A. Minutes of April 25, 2016
- B. Fee Amendment Resolutions

Ordinances

- A. 2nd Reading, Ordinance No. 3463 - Lookingglass Property Annexation/Zone Change,
- B. 2nd Reading, Ordinance No. 3463 – Parks & Recreation Commission Responsibilities
- C. Ordinance No. _____ - Pacific Power Electric Utility Franchise
- D. Ordinance No. _____ - Chronic Nuisance Property
- E. Ordinance No. _____ - Adopting ORS 98.520 – Shopping Carts
- F. Ordinance No. _____ - Enhanced Law Enforcement Area
- G. Ordinance No. _____ - Single Lot Local Improvement District

Informational

- A. Activity Report

Executive Session

- A. City Manager Quarterly Evaluation

May 23, 2016

Consent Agenda

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

Ordinances

- A. 2nd Reading, Ordinance No. _____ - Pacific Power Electric Utility Franchise
- B. 2nd Reading, Ordinance No. _____ - Chronic Nuisance Property
- C. 2nd Reading, Ordinance No. _____ - Adopting ORS 98.520 - Shopping Carts
- D. 2nd Reading, Ordinance No. _____ - Enhanced Law Enforcement Area
- E. 2nd Reading, Ordinance No. _____ - Single Lot Local Improvement District
- G. Ordinance No. _____ - Smoking Prohibition for City Parking Lots and Sidewalks Abutting City Property

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

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

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

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

June 27, 2016

Consent Agenda

- A. Minutes of June 13, 2016

Resolutions

- A. Resolution No. 2016-___ - Recreational Marijuana Sales Tax

Informational

- A. Activity Report

Executive Session

- A. Municipal Judge Evaluation

July 11, 2016

Consent Agenda

- A. Minutes of June 27, 2016

Informational

- A. Activity Report

July 25, 2016

Consent Agenda

- A. Minutes of July 11, 2016

Informational

- A. Activity Report (Quarterly Reports)

August 8, 2016

Consent Agenda

- A. Minutes of July 25, 2016

Informational

- A. Activity Report

August 22, 2016

Consent Agenda

- A. Minutes of August 8, 2016

Informational

- A. Activity Report

Executive Session

- A. City Manager Quarterly Evaluation

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

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

October 10, 2016

Consent Agenda

- A. Minutes of September 26, 2016

Informational

- A. Activity Report

October 24, 2016

Consent Agenda

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

Informational

- A. Activity Report (Quarterly Reports)

November 14, 2016

Consent Agenda

- A. Minutes of October 24, 2016

Informational

- A. Activity Report

Executive Session

- A. City Manager Annual Review

November 28, 2016

City Council Reports

- A. City Manager Contract

Consent Agenda

- A. Minutes of November 14, 2016

Informational

- A. Activity Report

December 12, 2016

Mayor Reports

- A. Election Results

Consent Agenda

- A. Minutes of November 28, 2016

Informational

- A. Activity Report

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

January 23, 2017

Consent Agenda

- A. Minutes of January 10, 2017

Informational

- A. Activity Report – Municipal Court Quarterly Report

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

February 27, 2017

Consent Agenda

- A. Minutes of February 14, 2017

Department Items

- A. The Partnership Annual Report

Informational

- A. Activity Report

March 13, 2017

Consent Agenda

- A. Minutes of February 28, 2017

Department Items

- A. Visitors Bureau Annual Report

Informational

- A. Activity Report

March 27, 2017

Consent Agenda

- A. Minutes of March 14, 2017

Informational

- A. Activity Report

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

April 24, 2017

Consent Agenda

- A. Minutes of April 11, 2017

Informational

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

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

May 22, 2017

Consent Agenda

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

Informational

- A. Activity Report

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

June 26, 2017

- Consent Agenda
 - A. Minutes of June 13, 2017
- Informational
 - A. Activity Report
- Executive Session
 - A. Municipal Judge Evaluation

July 10, 2017

- Consent Agenda
 - A. Minutes of June 27, 2017
- Informational
 - A. Activity Report

July 24, 2017

- Consent Agenda
 - A. Minutes of July 11, 2017
- Informational
 - A. Activity Report – Municipal Court and Financial Quarterly Reports

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

September 11, 2017

- Council Reports
 - A. Implementation of Annual City Manager Performance Evaluation
- Consent Agenda
 - A. Minutes of August 22, 2017
- Department Items
 - A. Downtown Roseburg Association Annual Report
- Informational
 - A. Activity Report

September 25, 2017

Mayor Reports

- A. Walk and Bike to School Day Proclamation

Consent Agenda

- A. Minutes of September 12, 2017

Informational

- A. Activity Report

October 9, 2017

Consent Agenda

- A. Minutes of September 26, 2017

Informational

- A. Activity Report

October 23, 2017

Consent Agenda

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

Informational

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

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

November 27, 2017

Council Report

- A. City Manager’s Contract

Consent Agenda

- A. Minutes of November 14, 2017

Informational

- A. Activity Report

December 11, 2016

Mayor Reports

- A. Election Results

Consent Agenda

- A. Minutes of November 28, 2017

Informational

- A. Activity Report

Friday April 8, 2016

Good Friday afternoon everyone! The record setting heat yesterday certainly changed our perspective on spring for a while. I am happy to see we will be returning to much more normal weather for the next week or so. Thank you all for attending Monday's work study session. I know that any time we have work sessions the room layout is a little awkward, but I think we had a great opportunity to update Council on issues related to vagrancy and the criminal element we see concentrating in certain areas. We will be providing Council with policy options to consider relating to these concerns in the fairly near future.

I attended a steering committee meeting for the grant that NeighborWorks Umpqua received on Arts Integration in the downtown area. As you might recall, our Economic Development Commission provided \$4,999 in funding towards the project. We recently received a technical assistance grant of \$5,000 from The Ford Family Foundation to complete the funding for this approximately \$25,000 project. The primary purpose for the program is to identify opportunities to infuse art, artists, artisans and cultural components into the downtown area and to entice and incentivize private investment in the area. The motivation is to enhance the economic environment in the core area and identify economic development activities that can be profitable downtown.

The Economic Development Commission met on Tuesday to discuss a couple of items. They first heard a presentation from the Wine Growers Association regarding the Economic Impact of the growing wine/viticulture industry in the central Umpqua Valley. Grape production continues to grow at one of the fastest paces in the State of Oregon and the number wineries continue to grow as well. There are now over 30 wineries in the Umpqua Valley. The Blue Heron Vineyard, located near Kruse Farms is one of the largest contiguous vineyards in the state (over 400 acres) and developers are in the process of acquiring and developing over 1,200 additional acres south of Roseburg. Winemaking and viticulture as a whole is becoming a significant employer in the area as well the major tourism attraction in central Douglas County. It is nice to know we are in the center of the attraction!

EDC also heard a presentation on the expansion of the Roberts Creek Enterprise Zone and E-Commerce overlay and recommended the expansion and overlay to Council. Resolutions relating to the Enterprise Zone and E-Commerce overlay area are on your Monday evening agenda. The purpose of the expansion is to include some properties in Douglas County, or owned by the County, as well as the City and City of Winston to incentivize additional development and provide other State incentives to businesses locating or expanding within the new boundary. Brian Davis included a memo on the

zone in your packet and would be happy to answer any questions you may have. Additionally, the EDC heard updates from the Partnership, the Roseburg Area Visitors Center and reviewed grant reports from prior recipients of EDC funding requests.

Thursday morning I pinch hit for Mayor Rich at the welcome and opening of a Sustainable NW Energy Workshop that was held at the Ford Room in the Douglas County Library. The workshop was very well attended. The purpose of the workshop was to introduce current trends in sustainable and alternative forms of energy production and usage from an economic development perspective. To the extent that energy users can utilize less expensive sources of energy or use less energy in general allows for a better return on their energy investments. Solar and Bio-mass were the two primary sources of energy being discussed during the time I was able to attend as well as partnership opportunities with Pacific Power, the Energy Trust of Oregon and additional Blue Sky opportunities.

As you may have seen in the media today, our Emergency Response Team, at the request of the City of Sutherlin, responded to a hostage situation in Sutherlin yesterday afternoon. We have a great working relationship with many of the other local governments in central Douglas County and we always try to work with them in difficult situations. Our ERT is highly trained group of professional public safety officers and have been deployed throughout the County over the years, and each of those local governments has in turn responded to our needs when called. I think it is essential that we work together at all levels of government to provide for our communities "public safety" and public service. I can't even begin to tell you how much help we received from agencies around the County after October 1, so it is important to me and our organization that we too can reach in when other organizations are in need. The ERT folks, alongside folks from OSP, the City of Sutherlin and the Sherriff's office were able to resolve the issue peacefully and without mishap. Great job!

And hey, it looks like the cooler, but dryer weather may hang around until Sunday so everyone have a great weekend. We will see you Monday night at Council.

Friday April 15, 2016

Good Friday afternoon everyone. I am in Salem today to participate in the League of Oregon Cities Finance and Taxation Committee. The F & T Committee gets together in advance of the annual legislative sessions to evaluate issues that are important to cities generally in relation to cost drivers and public finance. In many years, there is just an effort to protect our home rule authority and not go backwards. This year, the two primary finance topics relate to potential property tax changes through the initiative process and use of transient lodging taxes (TLT) for public purposes. The statutes regarding the TLT are very restrictive, but a little vague, and LOC is hoping to either get clarity around the statutory definitions or possibly expand the legislative definition to broaden local government authority regarding the use of the lodging taxes.

Chief Burge and I attended a meeting Wednesday evening of local business and community leaders to discuss questions and concerns related to Council's work study topic from April 4th, transient and criminal behavior downtown. I think we were able to enlighten the group a little as to the differences in criminal and non-criminal behavior. In addition, we shared some of the policy discussion that Council had at the 4th meeting and how some issues may move forward for future consideration. To that end, the Chief and I met with City Attorney Coalwell to talk about development of a couple of ordinances for your consideration in May. We will continue to pursue remedies related to the criminal activities while at the same time working with H-TAG on the other elements of their action plan.

CGI, the firm that has historically developed our website "welcome" information was in town this week. We are firming up the message content and their videographer was here to update the video portion of the content. Mayor Rich participated in updating his video welcome to Roseburg and videos were shot around the community, at our local schools and UCC, as well as a number of residential communities and businesses. The current information can be found at <http://www.cityofroseburg.org/> on the lower left side of the home page under the Video tour of Roseburg. New information should be populated within the next couple months.



Finance Director Ron Harker and I attended a meeting in Salem this week to review information we have received from Douglas County in response to public information requests relating to assessment and taxation information. Ron is continuing to identify needed information and we will continue to evaluate and analyze the information as it becomes available. We continue to be very concerned about the current and future impacts of the lower than anticipated values used to generate property taxes this year

throughout the County, but more importantly within Roseburg city limits. Once we can generate more comprehensive information and draw reliable conclusions, we will present the information in greater detail to Council.

Chief Timm and his entire department took part in training over three days this week with a nationally recognized presenter who was directly involved in a significant fire tragedy. Dr. David Griffin was a Driver/Engineer with the Charleston, SC Fire Department on June 18, 2007 when nine members of his department lost their lives in a furniture store fire. Dr. Griffin walked through the incident, the mistakes made, and the steps his department took to institute corrective action and cultural change to prevent similar tragedies in the future. The goal is for our department to learn and grow from the experience in Charleston on an individual, team and organizational level.

Our Public Works Commission met briefly Thursday to evaluate our bid for the purchase of two dump trucks, one for Public Works and one for the Water Department. Their unanimous recommendation to award the bid will be on your next Council meeting agenda. This month's agenda was pretty light, but we are heading into the busy part of the project year from an award standpoint, so a number of projects and task orders will be in front of the PWC next month. The PWC will have a very busy spring and summer ahead of them.

Councilor Ryan is attending the Purple Heart Trail dedication ceremony next Thursday, April 21st. The ceremony is taking place at the corner of Stewart Parkway and Aviation Drive at the Marion Carl Memorial location by the airport. Everyone is invited to attend the 2:00 p.m. event. Oregon Legislature has recently named I-5 through Oregon as part of the Purple Heart Trail, completing the cross-nation journey extending from Canada to Mexico.



The Roseburg Police Department is having their 3rd annual Police K9s Unleashed event at Legion Field next Sunday, April 24th at 2:00 p.m. The Douglas County Sheriff's K9 Team, Springfield K9 teams and one of the Umpqua Search and Rescue teams will all be present to demonstrate their skills on the field while sharing information and stories with the crowd. Presentations in the past have demonstrated drug searches, K9s leaping over vehicle hoods and in truck beds, through windows, tackling suspects and protecting their handler in mock altercations. This is an exciting event for all to see and free to the public. A flyer is attached.



Have a great weekend everyone and enjoy the great weather we are supposed to see!



March 2016

The *Quarterly Financial Report* summarizes the City of Roseburg's financial position for the General Fund, major operating funds, proprietary funds, and Urban Renewal funds through the 3rd quarter of fiscal year 2015-2016.

All funds are presented on a budgetary basis. Although this is a quarterly financial report, the focus is on year-to-date activity.

Budgeted Fund Balance is comprised of Contingency, Reserves, and Ending Fund Balance.

Report Note: When reading these quarterly financial reports it is important to keep in mind the cyclical activity in revenues and expenditures. Examples would include property taxes, grants, capital projects, and charges for services. This report is unaudited and precedes final year end accruals.

This financial report includes the quarter ending March 2015 for comparison purposes.

OVERVIEW:

- \$9.8 million General Fund balance.
- 6.4% Douglas County unemployment rate.
- .75% state investment pool interest rate.
- 1.1% CPI Portland-Salem MSA
- Approved Murray, Smith & Associates for 2016 Pavement Rehabilitation design in an amount not to exceed \$ 104,457.
- Approved Douglas County intergovernmental agreement for construction of paving improvements and jurisdictional transfer of a portion of Edenbower Boulevard.
- Approved intergovernmental agreement with ODOT for the Stewart Parkway Bridge Deck Repair.
- Adopted the 2016-21 Capital Improvement Plan.

GENERAL FUND

General Fund	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 19,612,735	\$ 16,721,966	85%	\$ 16,486,144
Expenditures	20,835,404	14,621,554	70%	14,284,798
Balance-July 1	7,341,488	7,744,551	105%	7,593,152
Balance YTD	\$ 6,118,819	\$ 9,844,963		\$ 9,794,498

GENERAL FUND REVENUE

General Fund Revenue	Budget	YTD Actual	%	Prior Year Actual
Property Taxes	\$12,734,000	\$ 11,811,892	93%	\$11,674,329
Licenses, Permits, Fees	2,641,593	1,673,623	63%	1,603,013
Charges for Services	3,395,200	2,563,683	76%	2,543,384
Intergovernmental	798,942	540,924	68%	545,222
Interest	43,000	38,639	90%	31,808
Miscellaneous	-	93,205	0%	88,388
Total Revenues	\$19,612,735	\$ 16,721,966	85%	\$16,486,144

Property Taxes — The majority of property tax revenue is collected in November and December. At the end of March 93% of the 12.7 million budgeted has been collected.

Property taxes are based upon assessed values (AV). With passage of Measure 50 in 1996 assessed values are limited to 3% annual increases unless the Real Market Value is less.

Licenses, Permits, and Fees—Includes utility franchise fees, planning fees, park fees, and various other fees. At the end of the quarter, 63% of the \$2.6 million budgeted annual revenue from licenses, permits and fees has been collected.

Charges for Services—Besides interdepartmental charges, charges for services includes: fines, service area fees, fire suppression and prevention fees, administrative and lien search fees. Year to date court fines total \$315,038, service area fees total \$259,603 and interdepartmental charges total \$1,957,974.

Intergovernmental Revenues are primarily state collected taxes allocated to cities on a per capita basis and include revenue sharing, tobacco, and liquor, 68% of the \$798,942 budgeted for intergovernmental revenue has been collected during the current fiscal year.

Interest Revenue—Interest revenue of \$38,639 is \$6,831 more than the same period a year ago. The average portfolio rate is .75%.

GENERAL FUND EXPENDITURES

The following tables detail expenditures by department and major categories. Current year General Fund expenditures of \$14,621,554 represent 70% of budgeted annual expenditures.

Year to date expenditures are \$336,756 more than the same period a year ago. The General Fund ending fund balance is \$9,844,963.

By Organizational Unit	Budget	YTD Actual	%	Prior Year Actual
City Manager	\$ 955,539	\$ 645,061	68%	\$ 600,675
Finance & Mgmt	1,218,465	822,527	68%	782,461
Community Develop	541,509	363,771	67%	306,725
Public Works	3,212,867	2,183,317	68%	2,164,543
Parks & Recreation	1,438,139	990,475	69%	979,433
Municipal Court	489,418	303,957	62%	286,032
Police	6,360,705	4,459,322	70%	4,403,313
Fire	5,846,642	4,166,875	71%	4,052,447
Capital & Other	772,120	686,249	89%	709,169
Total	\$20,835,404	\$ 14,621,554	70%	14,284,798

By Major Category	Budget	YTD Actual	%	Prior Year Actual
Personnel Services	\$ 16,355,225	\$ 11,759,496	72%	\$11,470,288
Materials & Service	3,708,059	2,175,809	59%	2,105,341
Capital & Other	772,120	686,249	89%	709,169
Total	\$ 20,835,404	\$ 14,621,554	70%	\$14,284,798

SPECIAL REVENUE FUNDS

URBAN RENEWAL GENERAL FUND

Urban Renewal - General	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 3,600,600	\$ 3,346,768	93%	\$ 3,281,506
Expenditures:				
Operations	2,930,000	94,800	3%	144,400
Transfers	800,000	800,000	100%	800,000
Balance-July 1	363,352	354,719	98%	434,542
Balance YTD	\$ 233,952	\$ 2,806,687		\$ 2,771,648

The Urban Renewal-General Fund accounts for the Agency's property tax revenues. Expenditures are primarily for qualified capital improvement projects.

CAPITAL PROJECTS FUNDS

EQUIPMENT REPLACEMENT FUND

Equipment	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 637,500	\$ 637,540	100%	\$ 629,040
Expenditures:				
Capital	1,409,000	728,764	52%	403,752
Balance-July 1	1,023,004	1,052,316	103%	889,966
Balance YTD	\$ 251,504	\$ 961,092		\$ 1,115,254

The Equipment Replacement Fund provides resources for major vehicle and equipment purchases. An annual funding level is established based upon equipment needs over a five year period. Resources are transferred from the General Fund to minimize budget fluctuations in tax supported funds.

Year to date purchases include \$84,261 for the financial/court system, \$479,716 for the triple combination pumper, \$26,729 for the police unmarked vehicle, \$27,098 for the police motorcycle, \$48,255 for parks chipper, \$50,849 for parks mower and \$11,856 for parks utility vehicle.

FACILITIES REPLACEMENT FUND

Facilities	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 194,000	\$ 10,853	6%	\$ 13,426
Expenditures:				
Operations	65,708	31,037	47%	40,808
Capital	400,000	101,885	25%	40,306
Balance-July 1	746,621	815,724	109%	912,346
Balance YTD	\$ 474,913	\$ 693,655		\$ 844,658

The Facilities Replacement Fund ending fund balance at March 31, 2016 is \$693,655.

TRANSPORTATION FUND

Transportation	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 1,799,896	\$ 1,424,358	79%	\$ 1,173,806
Expenditures:				
Operations	1,657,482	1,363,370	82%	717,602
Capital	680,000	221,605	33%	7,580
Transfers	10,000	10,000	100%	10,000
Balance-July 1	3,322,466	3,495,775	105%	2,694,228
Balance YTD	\$ 2,774,880	\$ 3,325,158		\$ 3,132,852

Transportation Fund revenues are from state gas taxes, transportation SDC's, federal STP funds and franchise fees. Resolution #2011-04 adopted in 2011 directs 15% of utility franchise fees to the Transportation Fund for the City's pavement management program. \$436,970 is budgeted in the current year for franchise fee revenue.

URBAN RENEWAL CAPITAL FUND

Urban Renewal - Capital	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 2,913,000	\$ 806,282	28%	\$ 1,727,647
Expenditures:				
Operation	378,374	253,881	67%	150,345
Capital	4,610,000	2,176,098	47%	366,253
Balance-July 1	2,264,709	2,507,524	111%	2,224,032
Balance YTD	\$ 189,335	\$ 883,827		\$ 3,435,081

The Urban Renewal Capital Fund accounts for the agency's major construction and improvements.

Capital expenditures totaling \$2,176,098 include \$1,493,159 for the Washington/Oak/Kane Improvements, \$119,559 for the Charles Gardiner Bike Improvement, \$101,310 for the Spruce/Parrot Improvement, \$26,406 for the Parking Garage Study and \$415,558 for the Stephens Street Improvement.

ENTERPRISE FUNDS

STORM DRAINAGE FUND

Storm Drain	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 1,616,205	\$ 1,230,539	76%	\$ 1,115,210
Expenditures:				
Operations	576,281	424,413	74%	434,046
Capital	922,500	421,991	46%	451,904
Balance-July 1	1,380,912	1,566,158	113%	1,099,947
Balance YTD	\$ 1,498,336	\$ 1,950,293		\$ 1,329,207

The Storm Drain Fund accounts for the revenues and operations of the storm drainage system. Year to date user charges of \$1,197,163 are the principal source of revenues.

Year to date Storm Drain Fund capital expenditures include \$194,627 for the Indianola Storm Improvement, \$93,395 for the Washington/Oak/Kane Improvement, \$14,438 for the Fairmont/Garden Valley Storm Improvement and \$99,070 for the Harvard Emergency Storm Repairs.

WATER SERVICE FUND

Water	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 5,082,949	\$ 4,070,486	80%	\$ 3,932,095
Expenditures:				
Operations	3,729,033	2,650,977	71%	2,668,628
Capital	2,274,500	615,081	27%	850,006
Balance-July 1	3,825,731	4,160,611	109%	4,603,996
Balance YTD	\$ 2,905,147	\$ 4,965,039		\$ 5,017,457

The Water Fund accounts for the City's domestic drinking water utility. Activities are totally supported by charges for services.

Year to date Water Fund revenues of \$4,070,486 is primarily from charges for services. Revenues are \$138,391 more than the prior year.

The ending fund balance at March 31st is \$4,965,039.

OFF STREET PARKING FUND

Off Street Parking	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 123,450	\$ 73,838	60%	\$ 97,974
Expenditures:				
Operations	146,722	75,208	51%	90,149
Balance-July 1	93,308	97,187	104%	86,925
Balance YTD	\$ 70,036	\$ 95,817		\$ 94,750

Off Street Parking revenues are from parking fines, meters, and parking rental fees in City owned lots. The ending fund balance at March 31st is \$95,817.

Effective November 1, 2012 the Downtown Roseburg Association, DBA Park-Smart, began providing parking enforcement services.

AIRPORT FUND

Airport	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 923,300	\$ 389,553	42%	\$ 952,769
Expenditures:				
Operations	248,117	171,982	69%	155,316
Capital	625,000	66,335	11%	607,365
Debt Service	125,288	30,144	24%	31,343
Balance-July 1	238,197	113,211	48%	153,853
Balance YTD	\$ 163,092	\$ 234,303		\$ 312,598

Current year Airport revenues include user charges of \$272,110 and a FAA grant of \$116,250. Capital expenditures in the Airport Fund are for the apron rehabilitation.

INTERNAL SERVICE FUND

WORKERS' COMPENSATION FUND

The worker's compensation fund was established in 1987 to provide financing for the City's self-insured worker's compensation program. Internal charges to other departments provide resources to administer claims management.

Worker's Comp	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 303,000	\$ 227,188	75%	\$ 209,865
Expenditures:				
Operations	454,380	346,473	76%	314,302
Balance-July 1	457,757	233,202	51%	683,971
Balance YTD	\$ 306,377	\$ 113,917		\$ 579,534

An employee safety committee oversees safety and wellness programs for employees. The goal is to promote wellness and reduce work related accidents and injuries.

An actuarial review is completed every two years to ensure the program maintains reasonable reserves and funding levels.

ECONOMIC OUTLOOK

U.S. Economy

The opening of the March 2016 *Oregon Economic And Revenue Forecast* issued by the Office of Economic Analysis (OEA) states that “Economic turmoil is front page news in recent months, headlined by falling stock prices. Given financial market trends, coupled with declining industrial production and a clearly weakened manufacturing sector, many are wondering if the next recession is just around the corner. The answer is a strong “probably not,” even as the prospect cannot be ruled out completely. The reason is twofold. First, the vast majority of non-manufacturing measures and indicators remain clearly in expansion territory. In particular, strong job gains are now being followed by accelerating wage growth. Second, the manufacturing weakness so far remains confined to energy, mining and related sectors like metals and the states that rely upon such industries. Certainly the overall decline in industrial production is concerning, however there is yet to be widespread pain, which is typically seen in recessions.”

The issue that is troubling to many economists and forecasters is the decline in industrial production across the country. Industrial output, which is often viewed as the canary in the coalmine for the overall economy, declined nearly 2 percent year-over-year in December 2015. It is important to note that while industrial output declined 2 percent YoY the manufacturing pain was not widespread; “only 7 of the 20 subsectors within industrial are registering YoY declines” while in “each of the past 6 recessions, declines were seen in more than three-quarters of the subsectors.” “Today, even the worst performing sector (manufacturing) is seeing growth in a majority of its components. It is the magnitude of the decline within oil and gas, mining, metals and machinery that is weighing on the overall industrial production numbers.”

On an even more bullish outlook it is important to note that the National Bureau of Economic Research is reporting that three out of the four main economic variables used to date recessions all point to continued expansion, namely: employment, personal income and manufacturing and trade sales.

Speaking of employment and personal income, recent data support a strengthening labor market. The latest Job Openings and Labor Turnover Report (JOLTs report) indicates that job openings are at record highs, layoffs are in line with pre-2009 levels, and quits are back up to 2007 levels; combined these indicators reveal a tightening labor market. As a result of the tightening labor market we are seeing



meaningful wage gains as employees are more willing to quit existing employment in pursuit of better jobs and employers have to compete more to hire and retain the best employees to fill the existing job openings. “While wage growth is still lower than in past expansions, it is accelerating over the past year.”

“Additionally, a tighter labor market is resulting in increased hiring rates for the unemployed and even those not currently in the labor force. Over the past year and a half, the share of individuals who did not have a job, nor were actively looking for work, yet found a job the following month, increased considerably.” This type of trend is seen more typically when the economy is nearing full employment. As unemployed decreases, businesses must broaden their reach to fill openings, including potential hires that may not have been looking at the time. “Given the right opportunity, such workers move directly from not in the labor force to being employed, bypassing the unemployment stage of looking for work.”

Oregon Economy

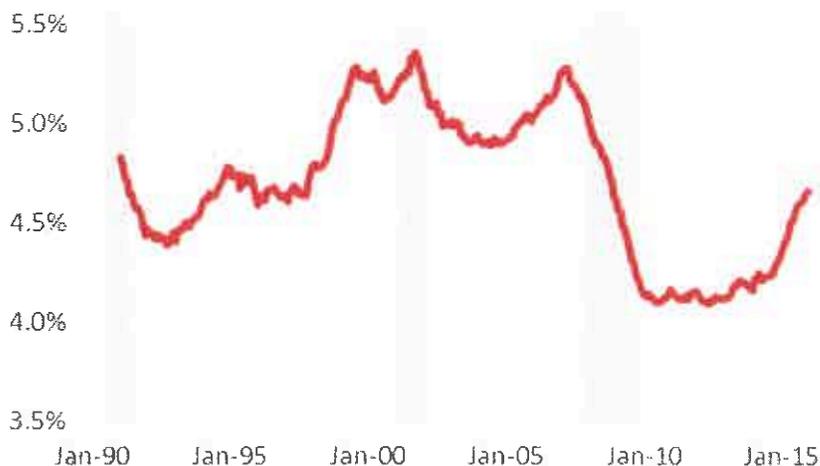
Oregon’s Office of Economic Analysis reports that “The pace of improvement in Oregon’s labor market continues to be full throttle. In fact, the gains in 2015 were the best in the past two decades. The state added more than 57,000 jobs, which translates into 3.3 percent growth over the year. In recent history, only the mid-1990s boom saw comparable gains. . . . Given demographic trends, job growth north of 3 percent is as strong as can be expected.” In comparison with the rest of the country, Oregon’s job growth is outpacing the typical state by more than one percentage point. Indeed, Oregon now ranks 7th in the nation by Arizona State University’s W.P. Carey School of Business; in 2013 Oregon ranked 11th fastest.

As already discussed earlier, and as one might assume, a “full throttle” labor market will produce strong wage gains for the average Oregon worker. “. . . average wages today in Oregon are at their highest relative point since the severe early 1980s recession when the timber industry restructured.” We have seen much of the improvement occurring over the past two to three years and during this period Oregon wage growth has outstripped the typical state.

It is important to note that wage gains are the result of gains that have occurred across all major industries and all regions of the state; this is great news. “Overall, while there remains much room for improvement in average income levels in Oregon, it is important to remember that wages have not been this high, relatively, for more than a generation.”

Pulling Workers Back In

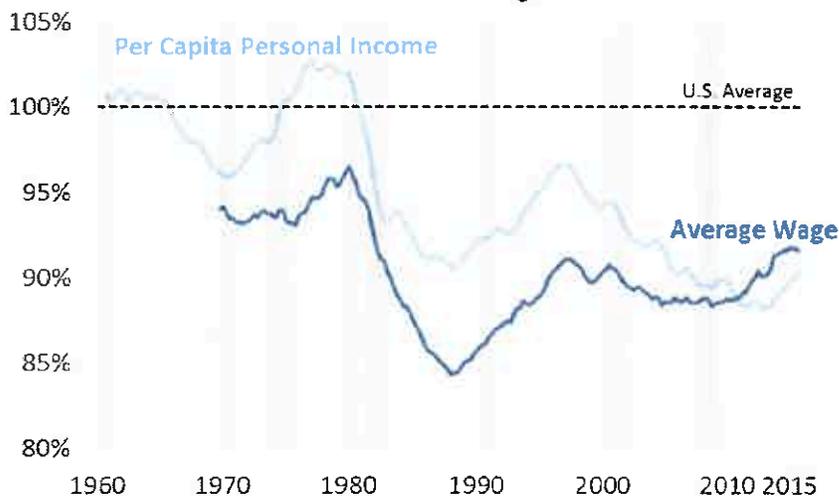
Share of People Not in the Labor Force Who Find a Job



U.S. Data, 12 Month Avg | Source: BLS, Oregon Office of Economic Analysis

Oregon Income

Share of U.S. Average



Latest data: 2015q4 | Source: BEA, IHS Global Insight, Oregon Office of Economic Analysis

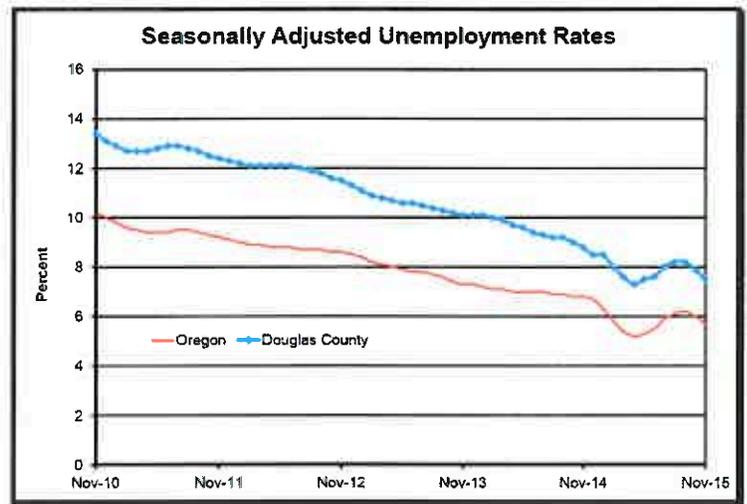
The Office of Economic Analysis tracks four sources for jobs data: the monthly payroll employment survey, the monthly household survey, monthly withholding tax receipts and the quarterly census of employment and wages. Currently all of these measures of the labor market are indicating strong improvements as jobs are being added, wages are growing and the unemployment continues its downward trend over the past year.

Focusing on wage growth, “. . . wages in Oregon are increasing at near double-digit rates, which is better than during the mid-2000s expansion but still a notch below the 1990s gains. Average wages per worker are currently increasing 3-4 percent per year, which is faster than inflation of 1-2 percent per year.”

Looking forward, one projection from IHS Economics calls for the state’s Real Gross State Product to be the fourth fastest growth among all states averaging 3.5 percent through 2020. Total employment is expected to be the 9th strongest at an annual 1.8 percent growth. Manufacturing employment is expected to be the third fastest in the nation at 1.8 percent as well. Total personal income growth is expected to be the 8th fastest at 5.2 percent per year.

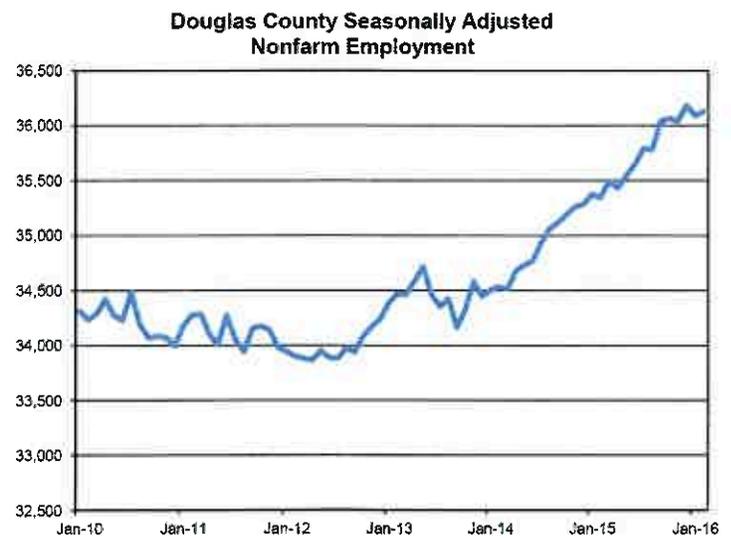
Douglas County

The State of Oregon’s Employment Department reported that Douglas County’s seasonally adjusted unemployment rate decreased from 7.1 percent in December to 6.4 percent in February. A closer look at the underlying numbers reveals that the labor force grew by 1,386 year-over-year (YoY) which is a good indication that workers are being pulled back into the labor market and is typically seen as labor markets tighten.

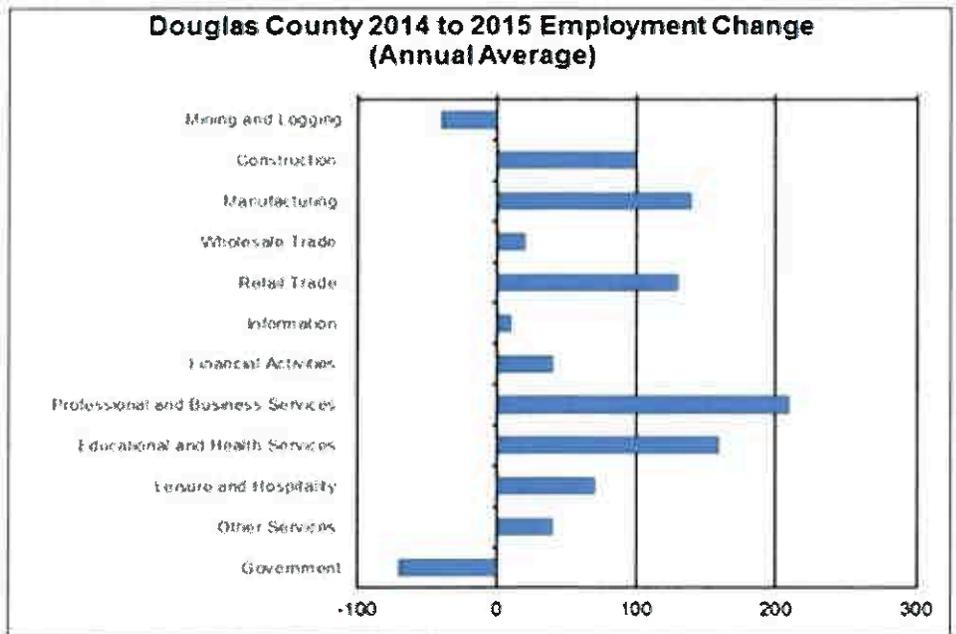


As for actual jobs gained in 2015, revised employment data from the Oregon Employment Department indicates that annual average total nonfarm employment increased by 850 jobs, for a 2.4 percent increase. “This was the third annual average job increases in a row and the fastest growth rate since 1997.”

The economy continues to grow at an increasing pace as evidenced by the employment gains and across almost every sector; in fact every private sector added jobs this past year except mining and logging. Broken down, 11 industry sectors had gains in 2015, namely:



- Professional and business services (+210, 4.3%), largely from growth at call centers.
- Private education and health services (+160, 3.5%), largely from health services.
- Manufacturing (+140, 3.2%), this is the highest level since 2008.
- Retail trade (+130, 3.0%).
- Construction (+100, 9.3%), this was the second year in a row of growth.
- Leisure and hospitality (+70, 2.2%).
- Other services (+40, 3.6%).
- Financial activities (+40, 3.1%), driven by real estate and is the first increase since 2007.
- Wholesale trade (+20, 3.2%).
- Transportation, warehousing, and utilities (+10, 0.6%).
- Information (+10, 3.8%).



Industry sectors which lost jobs include:

- Government (-70, -0.9%) due to losses in local government (-200, -3.7%) that were countered by gains of 80 in federal government and 90 in state government. The gains were at least partly from fire suppression efforts.
- Mining and logging (-40, -3.6%).

A FINAL NOTE

This quarterly report has been prepared to summarize and review the City’s operations and financial position for the third quarter of the 2015-16 fiscal year as of the month ending March 31, 2016, provide management with a financial planning tool, and monitor compliance with budget policy and Oregon budget law.

If you have questions about the report or would like additional information please contact Ron Harker, Finance Director, at (541) 492-6710 or via email at rharker@cityofroseburg.org. We encourage you to visit our website at cityofroseburg.org. The site is user friendly and contains information about the services we provide.

City of Roseburg, 900 SE Douglas Avenue, Roseburg, OR 97470
 Phone: (541) 492-6710
 Website: CityofRoseburg.org



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

MUNICIPAL COURT QUARTERLY REPORT

Meeting Date: April 25, 2016
Department: Municipal Court
www.cityofroseburg.org

Agenda Section: Department Reports
Staff Contact: Ron Harker
Contact Telephone Number: 492-6710

ISSUE STATEMENT AND SUMMARY

In accordance with the terms of Judge Madison's contract with the City, a report on the court's case volume and program revenues is to be presented to Council on a quarterly basis by Judge Madison.

BACKGROUND

A. Council Action History.

On July 23, 2012, the Council approved an amendment to the Judge's contract to include the presentation of a quarterly financial report to Council. This report is the latest of the quarterly reports to have been provided in fulfillment of the contract amendment and covers the quarter ending March 31, 2016.

B. Financial and/or Resource Considerations.

	1ST QTR	2ND QTR	3RD QTR	YTD TOTAL	PRIOR YEAR
<u>COURT CASE TOTALS</u>					
CRIMES	242	206	398	846	824
TRAFFIC CRIMES	70	43	49	162	212
TRAFFIC VIOLATIONS	793	522	683	1,998	2,193
NON-TRAFFIC VIOLATIONS	147	73	80	300	475
TOTAL	1,252	844	1,210	3,306	3,704

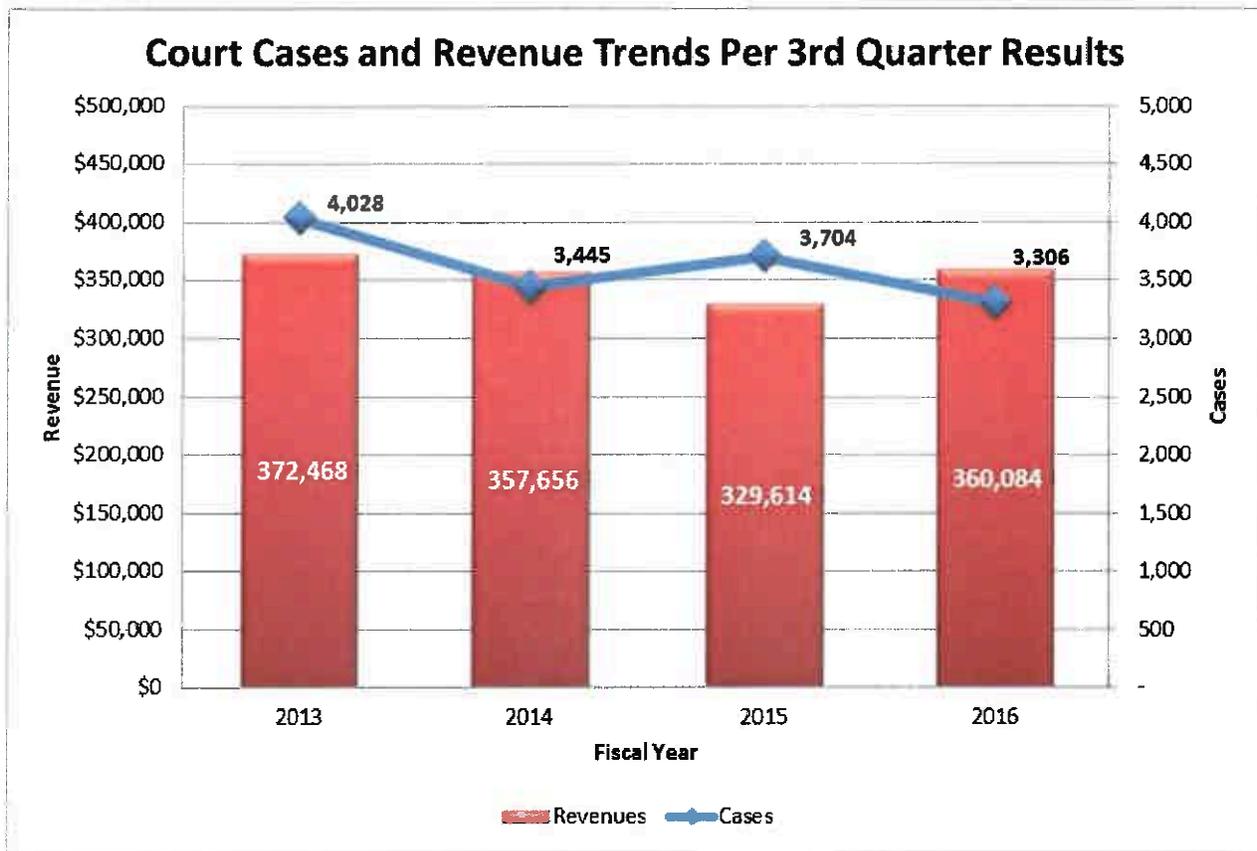
After the third quarter of the 2015-16 fiscal year, total cases were down 10.8% from the prior year. By category, crimes increased by 2.7% while traffic crimes, traffic violations, and non-traffic violations decreased by 23.6%, 8.9% and 36.84%.

	BUDGET 2015-16	1ST QTR 2015	2ND QTR 2015	3RD QTR 2015	YTD TOTAL	PRIOR YTD TOTAL
<u>COURT REVENUES</u>						
FINES	\$ 377,820	\$ 116,547	\$ 98,339	\$ 128,260	\$ 343,146	\$ 312,883
COURT COSTS	15,200	4,889	4,660	3,987	13,536	13,495
CRT APPT ATTORNEY	4,100	1,538	924	940	3,402	3,236
TOTAL	\$ 397,120	\$ 122,974	\$ 103,923	\$ 133,187	\$ 360,084	\$ 329,614

After the third quarter of the 2015-16 fiscal year, total court revenues were up 9.2% from the prior year. Fines and collections revenue increased by 9.7%, court costs revenues increased .3% and court appointed attorney increased by 5.1%.

On a budgetary basis, revenues are 90.7% of budget after the third quarter of the fiscal year.

A review of third quarter trends of cases and revenues indicate that revenues are tracking back up towards the 2012-13 levels despite cases continuing their decline as the following graph illustrates. Revenues from collections are increasing as the City's transfer of accounts has improved over past years which have pushed revenues higher despite the decline in cases.



C. Timing Issues.

Quarterly reports are due to the City Manager on or before the last day of the month following the end of each calendar quarter. The report is to be received by Council by the following meeting.

COUNCIL OPTIONS

No Action is requested

STAFF RECOMMENDATION

n/a

SUGGESTED MOTION

n/a

ATTACHMENTS

n/a