

REVISED AGENDA

5/18/15
LJR



ROSEBURG CITY COUNCIL AGENDA – MAY 11, 2015
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
4. **Mayor Report**
5. **Commission Reports/Council Ward Reports**
A. City Council Resignation, Beverly Brandt, Ward 2
6. **Audience Participation – See Information on the Reverse**
7. **Consent Agenda**
A. Minutes of April 27, 2015 Meeting
B. Airport Lease Amendment – Tom Thumb
C. Rejection of Transmission Main Cathodic Protection Bids
8. **Public Hearings**
A. Appeal Hearing - KC's Exchange Business Operation
B. Exemption from Competition in Public Contract for Construction Management Services Oak/Washington Improvement Project - Resolution No. 2015-08
9. **Items From Departments**
A. Fee Amendment Resolutions No. 2015-06 and 2015-07
B. Houston Galveston Area Consortium Membership Authorization
C. Stewart Park Bike Path Bid Award
D. Washington/Oak Improvement Bid Award
E. Park Permit Process and Fees
10. **Items From Mayor, Council or City Manager**
11. **Informational**
A. Activity Report
12. **Recess in Order to Convene as Urban Renewal Agency Board**
13. **Executive Session ORS 192.660(2)(i) City Manager Quarterly Evaluation**
14. **Adjournment**

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

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

AUDIENCE PARTICIPATION INFORMATION

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

Persons addressing the Council must state their name and address for the record, including whether or not they are a resident of the City of Roseburg. All remarks shall be directed to the entire City Council. The Council reserves the right to delay any action requested until they are fully informed on the matter.

TIME LIMITATIONS

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

CITIZEN PARTICIPATION – AGENDA ITEMS

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

CITIZEN PARTICIPATION – NON-AGENDA ITEMS

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

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

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

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

Thank you for attending our meeting – Please come again.

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

**ROSEBURG CITY COUNCIL
AGENDA ITEM SUMMARY**eje
5/5/15

CITY COUNCILOR RESIGNATION – BEVERLY BRANDT, WARD 2

Meeting Date: May 11, 2015
Department: City Manager's Office
www.cityofrosburg.org

Agenda Section: Council Reports
Staff Contact: Debi Davidson
Contact Telephone Number: 492-6866

ISSUE STATEMENT AND SUMMARY

City Councilor Beverly Brandt has resigned her position on the Council effective immediately. Therefore, the City Council needs to accept the resignation, declare the position vacant and begin the process to fill the vacancy for City Councilor, Ward 2 - Position 2.

BACKGROUND**A. Council Action History.**

No City Council action has been taken.

B. Analysis.

Roseburg Municipal Code Chapter 2.10 outlines the following process for the filling of City Council vacancies:

Vacancy on Council or Planning Commission.

Whenever the City Council declares a position on the Council vacant, the Council shall follow the procedures in this Chapter when filling the vacancy. Anytime during the process, upon three-fourths vote of the entire membership of the Council then in office, the Council may terminate the procedure and make its appointment.

Candidacy and deadline.

An individual who wishes to be considered to fill a vacancy on the Council shall declare his candidacy in writing on a form provided at and filed with the City Manager's office no later than ten days prior to the Council meeting at which the Council shall consider the candidates. Promptly after the deadline, the City Manager shall make copies of all information submitted by each candidate and distribute the information to the Mayor and Councilors.

Council interview and action.

The Council shall interview the candidates during a public meeting. To the extent possible, the Council shall act to fill the vacancy at the same meeting in which it interviews candidates. Following the interviews, the Council may appoint the successful candidate or solicit additional candidates for consideration at a later meeting before making an appointment.

C. Financial and/or Resource Considerations. n/a

D. Timing Issues.

To ensure appropriate representation for the residents of Ward 2, it is recommended the appointment be made as soon as practical.

COUNCIL OPTIONS

- A. Direct Staff to solicit applications from Ward 2 residents interested in serving in this position. Should this option be chosen, Staff would advertise the opportunity through the local news media and the City's website.

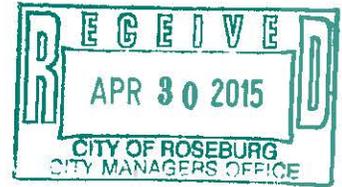
Staff recommends that applications be accepted through May 27, 2015. Interviews would then be conducted at the June 8, 2015 Council meeting.

- B. With a minimum of six affirmative votes, Council may vote to discontinue the procedure as outlined in the above analysis and make an appointment.

RECOMMENDED MOTION

1. "I move to accept Beverly Brandt's resignation with regrets from the City Council, to declare City Council Position 2 in Ward 2 as vacant and direct Staff to solicit applications from persons interested in filling such vacancy."

April 30, 2015



Dear Mayor Rich,

Tuesday night while we were waiting for the Budget Committee meeting to begin, I was looking at the Ward Map and it appeared that my residence was not in Ward 2 but in Ward 3. When we moved here we were in Ward 2 and I was totally unaware that in the redistricting we were moved to Ward 3. I should have known that but did not. I called the City Manager to verify that information as I did not want to be doing something that was incorrect.

With that being verified, I regrettably need to resign from the Council effective immediately. While I believe I would have done a wonderful job, I feel we are well represented by Victoria Hawks and John McDonald. I was looking forward to working with you, the Council and the City Manager and his staff. Everyone has been so gracious.

My hope is someone from Ward 2 with a passion for Roseburg and its citizens will step up and fill this important role. It is a tremendous commitment and I believe it can be both challenging and rewarding. Once again I am deeply regretting the extra work this may cause.

With my sincerest apology,

Beverly Jo Brandt

Cc: Lance Colley, City Manager

**MINUTES OF THE REGULAR MEETING
OF THE ROSEBURG CITY COUNCIL**

APRIL 27, 2015

Mayor Larry Rich called the regular meeting of the Roseburg City Council to order at 7:01 p.m. on Monday, April 27, 2015, in the City Hall Council Chambers, 900 SE Douglas, Roseburg, Oregon. Councilor Kaser led the Pledge of Allegiance.

ROLL CALL

Present: Councilors Beverly Brandt, Ken Fazio, John McDonald, Alison Eggers, Lew Marks, Victoria Hawks and Steve Kaser.

Absent: Councilor Tom Ryan.

Others present: City Manager Lance Colley, City Attorney Bruce Coalwell, City Recorder Sheila Cox, Police Captain Jerry Matthews, Community Development Director Brian Davis, Fire Chief Gregg Timm, Finance Director Ron Harker, Human Resources Director John VanWinkle, Public Works Director Nikki Messenger, Management Technician Debi Davidson and Kyle Bailey of KQEN Radio. Troy Brynelson of the News Review arrived at 7:23 p.m.

MAYORS REPORT

Rich proclaimed the month of May as "Historic Preservation Month," and presented the proclamation to Davis.

Councilors were reminded of the Budget Committee meeting scheduled for April 28th at 7:00 p.m. and continuing the following week.

COUNCIL WARD/COMMISSION REPORTS

McDonald reported on his attendance at the Ward 3 Neighborhood Watch meeting and participation in the Battered Persons Advocacy's "Walk a Mile in Her Shoes" event which raised approximately \$8,000. He offered kudos to the Police Department for their participation in that event as well as the K-9's Unleashed event at Legion Field.

Brandt reported she attended the Cancer Center open house to see new equipment, one of only two in the State, and what can be offered in Roseburg for cancer patients.

AUDIENCE PARTICIPATION

Terry Mooney, 144 Kermanshah Court, spoke about the traveling Vietnam War Memorial wall being displayed at the National Cemetery parking lot over Memorial Weekend. He objected to paying the \$25.00 daily permit fee to reserve the park space believing this was an opportunity to honor veterans and should be exempt from fees. Donations will be requested to be dedicated to a scholarship fund for returning veterans.

DOUGLAS COUNTY COMMISSION – COUNTY BUDGET IMPACTS

Douglas County Commissioner Tim Freeman thanked Council for continued support of the County Mental Health Court and then shared a presentation regarding the County's budgetary status and proposed changes in operations.

CONSENT AGENDA

Fazio moved to approve the following Consent Agenda items:

- A. Minutes of April 13, 2015 regular meeting.
- B. Minutes of the April 13, 2015 special meeting.
- C. Cancellation of May 25, 2015 Council meeting.

Motion was seconded by Marks and carried unanimously.

PUBLIC HEARING – SUPPLEMENTAL BUDGET, RESOLUTION NO. 2015-05

At 7:40 p.m., Rich opened the public hearing regarding a proposed supplemental budget. Harker outlined four budgetary areas which need adjustment for the current fiscal year.

- Hotel/Motel Tax Fund adjustment to account for revenues exceeding budget projections and enabling transfer of that excess to economic development, tourism and street lights/sidewalks.
- Bike Trail Fund adjustment to account for receipt and expenditure of a \$118,000 grant for trail improvements in Stewart Park.
- Workers Compensation Fund adjustment to account for \$225,000 in appropriations above the adopted budget with an earmark for a settlement of a long-term claim(s).
- General Fund adjustment to account for additional seasonal park maintenance staff.

As no one else wished to speak, the hearing was closed at 7:50 p.m. Fazio moved to adopt Resolution No. 2015-05 authorizing a supplemental budget and budget appropriation revisions for fiscal year 2014-15. Motion was seconded by Hawks and carried unanimously.

Fazio moved to direct and authorize the City Manager to expend any portions of the Workers Compensation Fund up to and including the full amount of the Fund in current and future budgets, for payments of claims and expenses as well as for lump sum settlements of Workers Compensation claims, as he determines are in the City's best interest, without further Council approval being required for such payments and settlements, and this direction by Council to perform such duties shall continue hereafter until further notice. Motion was seconded by Hawks. McDonald noted this authorization did not represent a blank check as reporting will be made to update the City Council on any settlements. Negotiations are undergoing for settlement of more than one issue which could roll over into the next fiscal year. Kaser asked that an update be provided to Council in nine months. Motion was then voted on and carried unanimously.

ORDINANCE NO. 3445 – AMENDING NOISE ORDINANCE

Cox read Ordinance No. 3445 for the first time, entitled: An Ordinance Amending Roseburg Municipal Code Section 7.02.140 Regarding Noise Disturbances. Kaser moved to adopt the ordinance, seconded by Marks. Roll call vote was taken and motion passed unanimously. Rich proclaimed the adoption of Ordinance No. 3445.

UNIVERSAL FIELD SERVICES CONTRACT – PROPERTY ACQUISITION

Colley reported on a contract with Universal Field Services to provide property acquisition services for upcoming projects. Thus far, task orders have amounted to \$44,690. He

provided Council notice that future projects, e.g. Stewart Parkway, may need Council action as another task order would exceed the City Manager's \$50,000 purchase authority.

ROCKY RIDGE PUD AMENDMENT FINDINGS OF FACT AND DECISION

Fazio reported he was a member of the Rocky Ridge Homeowners Association and was absent for the public hearing. Therefore, he recused himself from participating in the vote on this matter. Davis presented findings of fact that reflect the City Council vote to deny a common lot in the Rocky Ridge Planned Unit Development from becoming a buildable lot. Eggers moved to adopt Findings of Fact and Order for File No. AMD-14-2, denying the application. Motion was seconded by Hawks and carried with Brandt and Fazio abstaining.

STATE VETERANS HOME UPDATE

Colley shared a letter from the Oregon Department of Veterans Director to the Speaker of the House and Senate President stating that Roseburg is still statutorily next up to have a State Veterans Home. The Lebanon home was recently opened and is at 30% of capacity. It is anticipated that home will fill up reasonably soon, at which time efforts would begin to obtain federal funding for a Roseburg home. McDonald encouraged everyone to work with federal representatives to help accelerate that funding.

ITEMS FROM MAYOR, COUNCIL OR CITY MANAGER

McDonald commended Colley and Messenger for their presentation to the Roseburg Lions Club regarding the Highway 138 project.

Discussion was held on the request to waive fees for the Vietnam Memorial Wall, with McDonald moving to waive the fees for two days for use of the park property. Rich noted that motions cannot be made in this portion of the meeting and requested that a staff report be provided on the matter prior to any Council action. A discussion regarding the policy for park reservations, permitting and fees will be placed on the next City Council agenda. McDonald asked that the conversation specifically include the request cited during Audience Participation.

Meeting adjourned at 8:07 p.m.


 Debi Davidson
 Management Technician

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5/16/15*



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

TOM THUMB LEASE AMENDMENT

Meeting Date: May 11, 2015

Agenda Section: CONSENT

Department: Airport

Staff Contact: Patricia Loegering

www.cityofroseburg.org

Contact Telephone Number: 492-6873

ISSUE STATEMENT AND SUMMARY

The issue before the Council is whether the City should modify the terms of the Tom Thumb Mini-Storage lease

BACKGROUND

A. Action History. The Council approved the original Tom Thumb Mini-Storage lease on August 8, 2005.

B. Analysis. The Tom Thumb Mini-Storage lease currently has a term from January 1, 2005 through December 31, 2027 with one ten year renewal option. The amendment would extend the term to 35 years (January 1, 2005 to December 31, 2040) and add one additional ten year and one additional five year renewal option.

The lease amendment will enable Tom Thumb Mini-Storage LLC to better finance and plan their business in future years. It will also provide stability for the City in rental income during that same period of time.

Other than the term extension and renewal options, all other sections, subsections, and paragraphs of the original lease dated January 1, 2005 shall remain in full force and effect as written.

C. Financial and/or Resource Considerations. The annual rental rate and adjustments thereto will remain the same as in the original lease and the same rate adjustments will be projected to the extended lease term. The lessee also remains responsible for others costs such as license and permit fees, utility charges, personal property taxes, and real estate taxes that may apply.

The Airport Commission reviewed the proposal at its April 16, 2015 meeting and unanimously recommended the extension and lease amendment.

D. Timing Issues. None

COUNCIL OPTIONS

1. Approve the lease amendment as written.
2. Decline to approve the lease amendment.

STAFF RECOMMENDATION

Staff recommends the Council approve the lease amendment.

SUGGESTED MOTION

"I MOVE TO APPROVE A LEASE AMENDMENT FOR TOM THUMB MINI-STORAGE TO MODIFY THE INTIAL TERM TO BE 35 YEARS AND ALLOW FOR TWO TEN YEAR RENEWAL OPTIONS AND A FINAL FIVE YEAR RENEWAL OPTION"

Should the Council not wish to approve the lease, no motion is required.

ATTACHMENT - LEASE AMENDMENT

FIRST AMENDMENT TO LEASE/DEVELOPMENT AGREEMENT

BETWEEN: Tom Thumb Mini Storage, an Oregon
Limited Liability Company (“Lessee”)

AND: City of Roseburg, an Oregon
Municipal Corporation (“Lessor”)

EFFECTIVE DATE: _____, 2015

WHEREAS, on January 1, 2005, the City of Roseburg (“Lessor”) and Tom Thumb Mini Storage, LLC (“Lessee”) entered into a Lease/Development Agreement (“Original Lease”) covering 346,759 square feet of real property which is a portion of the Airport property adjacent to the railroad and south of Edenbower Boulevard at the north end of the Airport, addressed as 3221 NW Edenbower Blvd., Roseburg, OR; and

WHEREAS, Lessee desires to extend the initial term of the Lease as set forth in Section 5 of the Original Lease, and to add an additional ten-year and an additional five-year renewal option to Section 6 of the Original Lease; and

WHEREAS, Lessor has agreed to make said amendments to the Original Lease under certain terms and conditions;

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

SECTION 1. Section 4 of the Original Lease is hereby amended to read as follows:

4. RENTAL. All rental revenues received from this Lease shall be deposited in the Lessee’s Airport Fund and shall be paid as set forth herein.

4.1 Annual Rental Rate and Adjustments Thereto – January 1, 2016 through January 1, 2040. On or before January 1st of each year throughout the term of this Lease, Lessee shall pay Lessor the rental rate as set forth below:

<u>CALENDAR YEARS</u>	<u>ANNUAL RENT</u>
2016 – 2017	\$ 95,590
2018 – 2022	\$105,149
2023 – 2027	\$115,664
2028 – 2032	\$127,230
2033 – 2035	\$139,953
2036 – 2040	\$153,948

4.2 Annual Rental Rate and Adjustments Thereto Beginning January 1, 2041 and Continuing Thereafter. Beginning January 1, 2041 and each January 1 thereafter throughout the entire term of the Lease, the annual rate increase shall be equal to the percentage increase in the Consumer Price Index ("CPI") for the twelve (12) month period ending December 31 of the prior year. Comparisons shall be made by using the Bureau of Labor Statistics Consumer Price Index entitled All Urban Consumers, West Region - Portland, OR (1982-1984=100); provided however, such increase shall not exceed three percent (3%) in any given year. In no event shall there be a decrease in the lease rate paid the prior year. In the event that the above referenced CPI ceases to be published, the City shall select a comparable replacement table.

4.3 Lessee's Responsibility for Other Costs. Lessee shall also be fully responsible for the following:

4.3.1 All license or permit fees that may be required to do construction on, or make any improvements to, the Property or that may be required to operate any business to be conducted on the Property;

4.3.2 All charges for utility services provided to the Property, including but not limited to, water, gas, sewer, electric, storm sewer and telephone, as they become due and payable; and

4.3.3 All personal property taxes assessed against Lessee's personal property situated on the Property, and all real estate taxes assessed and collected against the Property, if any.

SECTION 2. Section 5 of the Original Lease is hereby amended to read as follows:

5. TERM. The initial term of this Lease shall be for thirty five years beginning upon the effective date of the Original Lease (January 1, 2005) and ending December 31, 2040.

SECTION 3. Section 6 of the Original Lease is hereby amended to read as follows:

6. OPTIONS TO RENEW. Lessee shall have the option, subject to the conditions contained herein, to renew this Lease for two (2) ten-year renewal terms and one (1) five-year renewal term, under the same terms and conditions as are set forth herein, except for this option to renew. Each option to renew shall be deemed to be automatically exercised by Lessee if Lessee is not in default on the terms of this Lease. Lessee must give notice of his/her intent not to renew this Lease between six (6) months and sixty (60) days prior to the expiration of the then current term of this Lease.

SECTION 4. All other Sections, Subsections and Paragraphs of the Original Lease dated January 1, 2005 shall remain in full force and effect as written.

LESSEE
CITY OF ROSEBURG

LESSOR
TOM THUMB MINI STORAGE, LLC

LANCE COLLEY, CITY MANAGER
Dated: _____

DONALD R. BENTZ, PARTNER
Dated: _____

ATTEST:

SHEILA R. COX, CITY RECORDER
Dated: _____

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5/18/15



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

Rejection of Transmission Main Cathodic Protection Bids

Meeting Date: May 11, 2015
Department: Public Works
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

The City received bids on May 5th for the Transmission Main Cathodic Protection Project. The issue for the Council is whether to reject all bids.

BACKGROUND

A. Council Action History. On September 21, 2014 Council authorized an amendment to the Cathodic Protection engineering design contract. The original contract was under the City Manager's authority. The amendment took it over this authority.

B. Analysis. Cathodic protection is a technique used to protect water transmission mains and reservoirs within the water system. It involves the use of sacrificial anodes which corrode instead of the metal pipeline or reservoir being protected. The Water Master System Plan recommended that cathodic protection be installed or updated on the City's 24 and 30 inch transmission mains that convey water from the Water Treatment Plant to the main reservoir complex.

The City's consultant, RH2 Engineering, Inc., designed the project and produced the bidding documents. The project was advertised and bids were opened on May 5th. Four bids were received. One of the bids was declared non-responsive when the bidder failed to submit their First Tier Subcontractor list within the required time. The bids were supposed to be based on a lump sum basis with unit prices stated for invoicing purposes. Each of the remaining three bidders filled out the bid forms differently. One bidder filled out most of the unit prices and multiplied the quantities to show an extended total for each bid item. Two of the bidders did not fill out the unit prices and only showed the extended total for each bid item. The apparent low bidder had a significant math error if the unit prices were used, but the bid documents do not allow the bids to be based on the unit prices. The other two bidders had smaller math errors. The four bids were as follows:

<i>Bidder</i>	<i>Lump Sum Bid</i>	<i>Bid w/math Corrected</i>
Cathodic Protection Engineering, Inc.	\$128,910.89	\$146,910.91
Tornado Soft Excavation LLC	\$158,659.71	\$158,658.71
Alisto Engineering Group	\$172,601.00	\$172,600.00
Corrpro (non-responsive)	\$191,637.43	\$193,137.43
<i>Engineer's Estimate</i>	<i>\$162,000</i>	

This is a specialized type of project that the City has does not have experience in bidding. Staff followed the advice given by the engineers as to how the project should be bid. Given the inconsistencies in how the documents were filled out, the fact that each bidder had errors, and the substantial differences in the amounts of the bids, it appears that these bid documents may have caused confusion with the bidders. Awarding based on these bid documents would increase the risk to the project for additional costs during construction. Staff believes it is in the City's best interest to reject all bids and re-bid the project with the more traditional unit price basis.

C. Financial and/or Resource Considerations. Money is budgeted in proposed FY 15-16 budget to construct this project.

D. Timing Issues. If the Council rejects all bids, staff intends to rework the bidding documents and re-bid the project as soon as practical.

COUNCIL OPTIONS

Council has the following options:

1. Reject all bids and direct staff to re-bid the project; or
2. Not reject all bids and direct staff to take the bid results to the Public Works Commission for a recommendation.

STAFF RECOMMENDATION

Staff recommends that the Council reject all bids. The Public Works Commission is scheduled to meet on May 14th, which is after the May Council meeting. Staff chose to bring this directly to Council because taking it to the Public Works Commission would have meant that it could not be brought before Council until June 8th. By going directly to Council, staff will be able to re-bid the project almost a full month earlier.

SUGGESTED MOTION

I move to reject all bids for the Transmission Main Cathodic Protection Project and direct staff to re-bid the project.

ATTACHMENTS

None.

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

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5/16/15

PUBLIC HEARING A
05-11-15



NUISANCE ABATEMENT APPEAL HEARING

Meeting Date: May 11, 2015
Department: Administration
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

The issue for Council is to determine whether they wish to review City Manager's decision regarding a nuisance abatement at 856 SE Sharon.

BACKGROUND

A. Council Action History. On September 22, 2014, the City Council reviewed a petition for reconsideration and remanded the matter back to the City Manager for further consideration.

B. Analysis. Carolyn Kellim is the owner of a home located at 856 SE Sharon. In her house and garage she operates a **retail store** selling guns and ammunition under the name "KC's Exchange". KC's Exchange routinely advertises in the newspaper that it is a retail outlet, and it also has a Facebook presence which identifies it as a retail outlet. To be clear, the nuisance process was initiated because KC's Exchange is operating a retail business in a residential neighborhood. It is not as a result of what retail items are being sold.

LUDO 4.4.100 allows home occupations in residential zones only if they are "primarily service-oriented". Products sold shall be disposed of "primarily by delivery from the premises to the homes or places of business of customers". The intent of the law is to protect residential neighborhoods from the traffic impacts of customers coming to and from a retail store.

After receiving several complaints regarding retail traffic in the neighborhood and pursuant to RMC 7.06.020, the Community Development Department issued an Abatement Notice regarding the said business, ordering it to be closed. Ms. Kellim appealed to the City Manager, and pursuant to RMC 7.06.030 the order to close the business was upheld by the City Manager by a written decision.

Ms. Kellim then petitioned to the City Council for review of the City Manager's decision, asking that the business not be required to be closed. Ms. Kellim's petition to City Council dated Sept 5, 2014 paragraph 3 stated:

"...(Mrs. Kellim) is agreeable to limit live customers to no more than three (3) per day...(emphasis supplied)"

Upon review, the City Council remanded the matter to the City Manager for further consideration.

Upon remand the City Manager found that the business could comply with the conditions of LUDO 4.4.100, upon meeting the following conditions, among other applicable conditions:

"...Customer vehicle trips to the business shall be limited to no more than three (3) per day...All advertising for the business shall be modified to state "by appointment only". (Should customers continue to arrive without appointments, in excess of the vehicle limit, they shall be refused entry.)..."

Ms. Kellim has now again petitioned for review by the City Council. In this latest appeal her attorney states:

"...in order to compromise the issue, Mrs. Kellim had agreed to limit firearm purchases to three per day...(emphasis supplied)"

The attorney further states that the City Manager's conditions are "overbroad and unnecessary".

It is unclear if Ms. Kellim is now attempting to renege on her earlier offer to limit customers to three per day.

The City's position is that the specifics included in the City Manager's decision are necessary to ensure compliance with the three customers per day limit offered by Ms. Kellim. Otherwise her offer becomes illusory.

Ms. Kellim in effect contends that requiring her business to operate "primarily by delivery" to customers is impractical or impossible for her, but this is not the City's problem to solve for her. The requirements of LUDO exist for the protection of the neighborhood's residential values.

C. Financial and/or Resource Considerations. n/a

D. Timing Issues. n/a

COUNCIL OPTIONS: Pursuant to RMC 7.060.030 G, the City Council has the option to:

- Decline to review the City Manager's decision;
- Review the decision on the written record before it; or
- Invite oral argument before rendering a decision on the record.

STAFF RECOMMENDATION

Staff recommends the City Council review the decision on the written record and affirm the City Manager's decision.

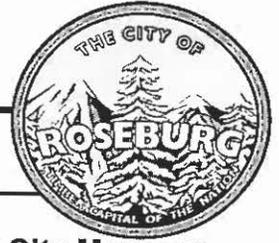
SUGGESTED MOTION

I move to affirm the City Manager's decision in regard to KC's Exchange.

ATTACHMENTS

- September 22, 2014 Staff Report
- Kellim Petition for Review – April 14, 2015
- City Manager's Decision – April 1, 2015
- Petition for Review – September 5, 2014
- City Manager's Decision – August 22, 2014

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



NUISANCE ABATEMENT PETITION FOR COUNCIL REVIEW

Meeting Date: September 22, 2014
Department: Administration
www.cityofrosburg.org

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

ISSUE STATEMENT AND SUMMARY

The issue for Council is to determine whether they wish to extend the applicable deadline on a petition for Council review of the City Manager's decision regarding a nuisance abatement, and remand the matter to the City Manager to review additional new information submitted by the petitioner.

BACKGROUND

- A. Council Action History.** The issue has not come before the City Council.
- B. Analysis.** Carolyn Kellim registered a business, KC's Exchange, as a home occupation at 856 SE Sharon on August 15, 2013. Earlier this year, Staff learned that the property was undergoing remodel in order to accommodate expansion of this business. Such action is in violation of the Land Use and Development Ordinance as regards home occupation businesses. In addition, complaints were received from residents in the area of increased traffic generated to the business.

The City routinely handles these issues at a staff level. When complaints are received, Community Development staff investigates the complaint, evaluates the complaint for code compliance, and determines if a nuisance exists. City code outlines the appeal procedure to the City Manager which may follow. If the appellant does not agree with the City Manager's decision, they may Petition to the Council to review the City Manager's decision. The Council has discretion whether to agree to take review of the matter, remand for further consideration by the City Manager, or let the City Manager's decision stand.

On May 19, 2014, Community Development provide Ms. Kellim with a "notice to abate nuisance" for operating a retail business in a residential neighborhood, a violation of our LUDO section 4.4.100.

On May 29, 2014 the City Manager received a timely letter to appeal the abatement decision. A hearing by the City Manager was scheduled and testimony received on June 19, 2014. Appellant and her attorney were then given additional time to provide relevant information or additional testimony that might be considered prior the City Manager rendering a decision.

No further information or testimony was provided, and the time allowed expired.

On August 25, 2014, the City Manager's decision upholding the notice to abate was provided to appellant's attorney with findings and a notice of a deadline of Sept. 4, 2014 to petition for review by the City Council.

On September 5, 2014, a petition for review of the City Manager's decision was hand delivered to the City Manager's office. The petition was received after the stated deadline. The petition also contained new and further information not previously submitted for consideration by the City Manager during the time previously allowed.

On September 8, 2014, City Attorney Bruce Coalwell received a letter from appellants attorney outlining a series of circumstances which the attorney submitted as explanation for failing to meet the deadline on behalf of his client. The letter explaining the situation is attached.

On September 9, 2014, City Attorney Coalwell responded via letter to appellant's attorney indicating that staff would forward to the issue to City Council (letter attached) for its consideration.

C. Financial and/or Resource Considerations. n/a

D. Timing Issues. n/a

COUNCIL OPTIONS

The date to file a petition for review of the City Manager's decision in this matter was September 4, 2014. Kellim's representative did not file the Petition for Review until September 5, 2014. The City Council has the discretion to extend the deadline, or refuse to do so. If the Council rejects the extension, the appellant would have no remaining appeal avenue, but could attempt to get the circuit court to review the matter. Such petition for writ of review would need to be filed with the circuit court within 60 days.

If the Council wishes to extend the deadline, then Staff recommends the matter be remanded to the City Manager to consider the new information submitted by appellant in her attorney's letter of Sept 5, 2014. The City manager would then issue a further decision, and the appellant could choose to petition to Council following that if she deems necessary.

STAFF RECOMMENDATION

Staff recommends the Council grant the extension of the deadline mentioned above, and remand the matter to the City Manager for further consideration.

SUGGESTED MOTION

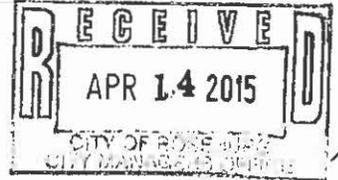
I move to grant the request to extend the deadline on the petition for review, and to remand the matter to the City Manager for further consideration.

ATTACHMENTS

Notice of Appeal Letter
City Attorney Correspondence

Christopher W. Peterman

ATTORNEY AT LAW, P.C.



Christopher W. Peterman, Attorney
Samuel Hornreich, Attorney*
* Also Licensed in California

chris@chrispetermanlaw.com
sam@randyrubin.com

April 14, 2015

The Honorable City Council
City of Roseburg
900 S.E. Douglas Avenue
Roseburg, OR 97470

Hand Delivered

Re: **Petition for Review of City Manager's Decision**
Our Client: Carolyn Kellim
Notice of Abatement of a Nuisance Violation of LUDO 4.4.100
856 S.E. Sharon, Roseburg, OR 97471

Dear Mayor and City Council:

This office has been retained by Carolyn Kellim for the purpose of petitioning the City Council to review the decision of the City Manager issued April 1, 2015, in the above matter. A true copy of the decision for which review is sought is attached hereto as Exhibit "A." Mrs. Kellim further requests that there be an opportunity for oral argument and public comment before any decision is made.

Factual Background

Mrs. Kellim is an independent 86-year-old woman who operates KC's Exchange, which since 2013 has been located in Mrs. Kellim's home at 856 SE Sharon, Roseburg, Oregon 97470. Mrs. Kellim is an authorized FFLA licensed firearms dealer, and KC's Exchange sells firearms, ammunition, and accessories. KC's has a website, but Federal law prevents the direct sale of firearms over the internet because a background check is required before the sale. The proceeds from KC's Exchange are donated annually to Casa de Belen, a local charitable organization that provides security, opportunities, and support for homeless families with homeless adolescents and teens.

Christopher W. Peterman

ATTORNEY AT LAW, P.C.

Christopher W. Peterman, Attorney
Samuel Hornreich, Attorney*
* Also Licensed in California

chris@chrispetermanlaw.com
sam@randyrubin.com

On May 19, 2014, the City of Roseburg (hereinafter the "City") issued a "Notice to Abate Nuisance," alleging that Mrs. Kellim was conducting "Retail in a residential neighborhood contrary to home occupation agreement per LUDO 4.4.100," namely, a "Gun store in a single family dwelling." A true copy of said Notice is attached hereto as Exhibit "B." Mrs. Kellim retained this office to appeal that determination to the City Manager. Hearing was held on June 1, 2014, and the City Manager issued his decision on August 22, 2014. A true copy of the decision is attached hereto as Exhibit "C." The decision found, among other things, that KC's Exchange was in violation of the LUDO 4.4.100 subsection (4)(e) requirement that a home occupation "shall be primarily service oriented" and that "[p]roducts made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers;" that KC's was in violation of the subsection (4)(c) requirement limiting signage to one square foot; and that KC's was in violation of subsection (4)(h) due to excessive traffic to and from the business.

This office appealed that decision to the City Council. The petition was filed one day late, on September 5, 2014, but on September 22, 2014, the City Council granted a request by this office for an extension of time. At that Council hearing, the Council remanded the matter to the City Manager for further consideration in light of the fact that Mrs. Kellim offered a compromise. In essence, in order to compromise the issue, Mrs. Kellim had agreed to limit firearm purchases to three per day. However, as discussed below, the City Manager took this limitation even further, and Mrs. Kellim has been forced to appeal again to the City Council. On April 1, 2015, after reconsidering the matter, the City Manager issued a modified decision which would allow KC's Exchange to continue operation subject to the following special conditions:

1. Customer vehicle trips to the business shall be limited to no more than three (3) per day. Customer vehicle trips exceeding said limit shall be presumed to be a violation of the LUDO provision and shall constitute a nuisance subject to abatement and enforcement remedies and penalties as provided by law. Violation of said vehicle trip limit shall also be a basis for revocation of the business registration and the home occupation permit.
2. All signs referencing the business name shall be removed. A sign referencing the house number alone shall be permitted.
3. The yellow concrete parking bumpers shall be removed or repainted in color to match the adjacent pavement.
4. All advertising for the business shall be modified to state "by appointment only." (Should customers continue to arrive without appointments, in excess of the vehicle limit, they shall be refused entry.)

Christopher W. Peterman

ATTORNEY AT LAW, P.C.

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sam@randyrubin.com

5. The home occupation permit shall not be transferrable.
6. Conditions 2, 3 and 4 shall be completed within 30 days.

Mrs. Kellim objects to portions of conditions 1, 2, and 4, and for the reasons discussed below she requests the City Council to review and modify the decision of the City Manager and to rescind the Notice to Abate Nuisance.

Argument

KC's Exchange is not the type of enterprise which is contemplated by LUDO 4.4.100. KC's is not a home "occupation" in the sense of a for-profit business that is run by a person to make a living. Instead, KC's is a not-for-profit enterprise, and all of the profits are given to Casa De Belen as a charitable contribution. KC's creates no salary or wages. It has no payroll and all of the expenses of the business are paid for by Mrs. Kellim, individually. Mrs. Kellim pays for utilities, taxes, operating expenses, etc. Essentially, the profits that are donated are simply the sale price of the goods sold minus the cost of the goods. In other words, all revenue over the cost of the product is annually donated to Casa De Belen. This is not a situation where someone is attempting to make a personal profit by running a full-scale business operation out of their home, but rather a situation where an elderly woman is attempting to spend her last years helping her community in the most effective way she can.

Alternately, even if KC's is a home occupation within the meaning of the ordinance, some of the conditions imposed by the City Manager are overbroad and unnecessary. Condition 2, requiring that no signage for KC's Exchange be present, is plainly outside the scope of LUDO 4.4.100(4)(f), which provides that "home occupations *shall be allowed* one (1) non-illuminated sign, not to exceed one (1) square foot in area, which identifies the nature of the occupation and the operator thereof" (emphasis added). KC's Exchange should be allowed to display such a sign flat mounted on the exterior of the residence as permitted by the ordinance.

With regard to condition 1, which limits customer vehicle trips to 3 per day, it is noteworthy that LUDO 4.4.100 does not prohibit on-site sales. Further, the City Manager's proposed restriction is not reasonably calculated to achieve the goals of LUDO 4.4.100(4)(h), which allows for limitations to alleviate "traffic congestion" which would "infringe in any manner upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes." There is no evidence in the record that reflects that KC's causes any traffic congestion or otherwise infringes on rights of neighbors. It is not uncommon for residential homes to have numerous vehicles coming and going each day,

Christopher W. Peterman

ATTORNEY AT LAW, P.C.

Christopher W. Peterman, Attorney
Samuel Hornreich, Attorney*
* Also Licensed in California

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sam@randyrubin.com

such as occupants going to and from work and other engagements; post office vehicles, paper delivery vehicles and large, noisy parcel service vehicles; guests coming and going; etc. There is no evidence that allowing more than three customers per day will prevent Mrs. Kellim's neighbors from enjoying "the peaceful occupancy of their homes." Even if there was a traffic issue, it is unclear how turning persons away at the door affects the reality that the traffic would still exist. In other words, the City Manager's conditions do not relate to reasonable resolution of the alleged issue. Further, taken together with requirement 4 providing that visits be arranged by appointment only and that visitors in excess of the 3 vehicle limit be turned away, the proposed vehicle limitation would cripple KC's Exchange. Not only will the reduced volume make continued operation impractical, but the requirement that customers be turned away at the door will unquestionably result in disgruntled customers that may not return to KC's Exchange. Therefore, Mrs. Kellim requests that the City Council modify the City Manager's decision in order to eliminate the overly restrictive conditions and to reflect that no nuisance exists.

Before rendering its decision on the above issues, the City Council should afford an opportunity for oral argument and public comment. This is a matter of strong public concern, as evidenced by the high public turnout for even something as simple as the September 22, 2015 hearing on the above-mentioned issue regarding an extension of time. Further, for example only, Mrs. Kellim has made a petition available to patrons of KC's Exchange which requests that KC's Exchange be allowed to continue, and said petition has garnered approximately 500-600 signatures. It is important that the residents of this community have an opportunity to give their thoughts on whether and under what conditions KC's Exchange should be allowed to continue.

Conclusion

Mrs. Kellim is in her later years of life and sees herself as having all that she needs, and she operates KC's Exchange in an effort to give back to this community and to support a worthy cause like Casa de Belen. To declare this project a public nuisance, or to exact restrictions so demanding that the project cannot survive, is not in the best interest of this community. Therefore, after an opportunity for oral argument and public comment, the Notice of Abatement should be rescinded and the decision of the City Manager should be modified to allow KC's Exchange to continue as a positive contribution to the Roseburg community.

Please send notice of the date this matter will be considered by the Council to chris@chrispetermanlaw.com or by mail to 836 W. Military, Ste. 108,

Christopher W. Peterman

ATTORNEY AT LAW, P.C.

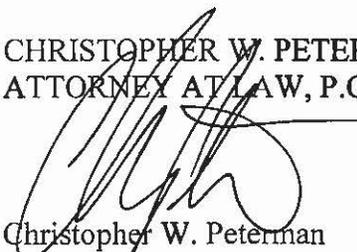
Christopher W. Peterman, Attorney
Samuel Hornreich, Attorney*
* Also Licensed in California

chris@chrispetermanlaw.com
sam@randvrubin.com

Roseburg, Oregon, 97471. If you need any further information or wish to discuss this appeal please feel free to contact me at my office at (541) 229-0202.

Sincerely,

CHRISTOPHER W. PETERMAN
ATTORNEY AT LAW, P.C.



Christopher W. Peterman
Attorney at Law

CWP/eam
cc: Carolyn Kellim

City of Roseburg

April 1, 2015

Christopher W. Peterman
Attorney at Law
836 W. Military Avenue
Roseburg, OR 97471

Re: APPEAL OF NOTICE TO ABATE NUISANCE
Your Client: Carolyn Kellim
Notice of Abatement of a Nuisance Violation of LUDO 4.4.100
856 SE Sharon, Roseburg, OR 97470

Dear Mr. Peterman:

This letter is directed to you as representative for your client, Carolyn Kellim, owner of the above-referenced property, wherein she operates a business under the name KC's Exchange.

Pursuant to RMC 7.06.020, the City issued an Abatement Notice regarding the said business and pursuant to RMC 7.06.030, your client appealed said determination. A hearing on said appeal was held on June 19, 2014. The hearing was continued at your request to allow you to submit further points for consideration. No further material was submitted, and the time allowed for that has expired.

I issued a decision dated August 22, 2014. You filed a Petition for Review of City Manager's Decision dated September 5, 2014, one day past the deadline. On September 8, 2014, you requested an extension of the deadline for filing the Petition for Review. On September 22, 2014, the City Council granted the request to extend the deadline on the Petition for Review and remanded the matter to the City Manager for further consideration.

In the Petition for Review, Paragraph 3, Ms. Kellim agreed to remove one of the signs from the property and also agreed to limit live customers to no more than three (3) per day. This proposal was discussed in more detail at a meeting with you and your client on November 7, 2014.

After consideration of the material in the City's file, along with the written material submitted by you herein and the information submitted by you and your client at the hearing, I have made the following findings of fact and determination of the issues presented.

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APR 06 2015

Exhibit A
Page 1 of 2 BY:.....

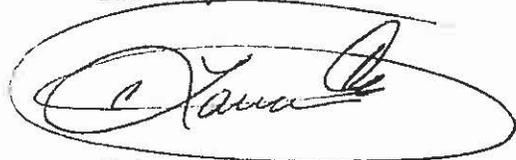
The previous decision dated August 22, 2014, is incorporated herein, with the following modifications. Your client's business would comply with the conditions of LUDO 4.4.100, upon meeting the following conditions in addition to all other generally applicable conditions:

1. Customer vehicle trips to the business shall be limited to no more than three (3) per day. Customer vehicle trips exceeding said limit shall be presumed to be a violation of the LUDO provision and shall constitute a nuisance subject to abatement and enforcement remedies and penalties as provided by law. Violation of said vehicle trip limit shall also be a basis for revocation of the business registration and the home occupation permit.
2. All signs referencing the business name shall be removed. A sign referencing the house number alone shall be permitted.
3. The yellow concrete parking bumpers shall be removed or repainted in color to match the adjacent pavement.
4. All advertising for the business shall be modified to state "by appointment only". (Should customers continue to arrive without appointments, in excess of the vehicle limit, they shall be refused entry.)
5. The home occupation permit shall not be transferrable.
6. Conditions 2, 3 and 4 shall be completed within 30 days.

Pursuant to RMC 7.06.030(F), your client has ten (10) days after the date you receive this decision in which to petition for a review to the City Council. Such petition shall be in writing and shall specify the reasons why the City Manager's decision is erroneous and state the desired result.

This decision is being mailed to you as Mrs. Kellim's legal representative by First Class Mail, on the date shown above, at the top of this decision. It will be presumed to have been received three (3) business days following the date of mailing shown above.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Lance Colley", is enclosed within a hand-drawn oval.

C. Lance Colley
City Manager

900 S.E. Douglas Avenue
Roseburg, Oregon 97470

492-6750
Phone (541) 440-1175

City of Roseburg

NOTICE TO ABATE NUISANCE

Date: 5/19/14

THIS NOTICE IS DIRECTED TO THE OWNER OF THE PROPERTY LOCATED AT:
856 SE Sharon

THE CITY OF ROSEBURG HAS DETERMINED THAT THE FOLLOWING NUISANCES EXIST ON THIS PROPERTY:

- _____ Accumulation of Rubbish and Debris [RMC 7.04.060]
- _____ Neglected, Discarded or Abandoned Vehicles and/or Vehicle parts Such as Engines, Transmissions, Vehicle Bodies, Frames, Tires and Batteries [RMC7.04.170 (A) and (B)]
- _____ Vision Obstruction - Must maintain a Clear Vision Area [RMC 7.04.070(B)(2) and (6)] and LUDO Section 3.35.050
- _____ Attractive Nuisance [RMC 7.04.030(A) - (D)]
- _____ Vegetation Obstructs Sidewalk, Street or Traffic Control Devices [RMC 7.04.070(B)(1),(2),(4)]
- _____ Obnoxious Vegetation, Including Weeds and Grass Above a Height of 12" [RMC 7.04.140]
- OTHER:** Retail in residential neighborhood contrary to home occupation agreement per LUDO
Description of Nuisance: Gun store in single-family dwelling 4.4.100

YOU ARE HEREBY REQUIRED TO ABATE THE DESCRIBED NUISANCE(S) WITHIN 10 (TEN) DAYS FROM THE DATE OF THIS NOTICE. IF THE NUISANCE(S) IS NOT ABATED, THE CITY MAY PERFORM THE ABATEMENT AND THE COSTS SHALL BE CHARGED TO YOU AND/OR ASSESSED AGAINST YOUR PROPERTY. FAILURE TO ABATE THE NUISANCE(S) MAY ALSO RESULT IN COURT PROSECUTION.

YOU MAY APPEAL THIS NOTICE BY FILING A WRITTEN STATEMENT WITH THE CITY MANAGER AT THE ABOVE ADDRESS AND PAYING AN APPEAL FEE OF \$100.00 WITHIN 10 (TEN) DAYS FROM THE DATE OF THIS NOTICE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT (541) 440-1175:

492-6750

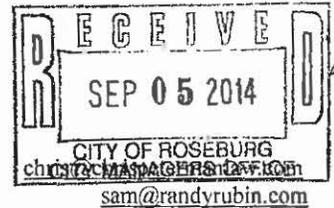

CITY OFFICIAL

FOR OFFICE ONLY
T _____ R _____ S _____ Tax Lot _____ Tax Account # _____
Exhibit B

Christopher W. Peterman

ATTORNEY AT LAW, P.C.

Christopher W. Peterman, Attorney
Samuel Hornreich, Attorney*
* Also Licensed in California



September 5, 2014

The Honorable City Council
City of Roseburg
900 S.E. Douglas Avenue
Roseburg, OR 97470

Hand Delivered

Re: **Petition for Review of City Manager's Decision**
Our Client: Carolyn Kellim
Notice of Abatement of a Nuisance Violation of LUDO 4.4.100
856 S.E. Sharon, Roseburg, OR 97471

Dear Mayor and City Council:

Our office has been retained by Carolyn Kellim for the purpose of petitioning you to review the record in the proceedings before the City Manager and invite oral argument before rendering a decision on the record.

The basis of the review request is that the City Manager's definition used in the decision is not appropriate. "Occupation" is a noun meaning a person's usual or principal work or business, especially as a means of earning a living. Hence, whether or not a person makes a profit or retains a profit from the activity is an important factor. As indicated by the record, Ms. Kellim donates all of the profits to charity and does not earn an income from KC's Exchange.

Additionally, Ms. Kellim has agreed to remove one of the signs from the property to remedy allegation number 3. She is also agreeable to limit live customers to no more than three (3) per day. This is no more visitors than any homeowner who receives mail, the newspaper, a UPS or FedEx delivery, and a friend or neighbor visiting them and thus should minimize the impact of her business on the neighborhood.

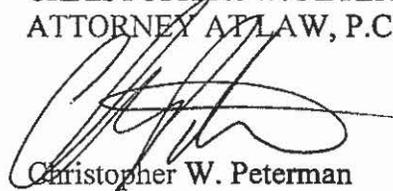
Lastly, LUDO 4.4.100 only states that a home occupation shall be primarily service oriented. Products made or sold shall be disposed primarily by delivery from the premises to homes or places of business of customers. This code does not prohibit on site sales as the City Manager is attempting to use it.

It seems that a business created for the sole purpose of making charitable donations should not be declared a public nuisance.

On the basis of the foregoing Ms. Kellim does hereby request that the City Council review the City Manager's decision and invite oral argument before rendering a decision on the record.

Sincerely,

CHRISTOPHER W. PETERMAN
ATTORNEY AT LAW, P.C.

A handwritten signature in black ink, appearing to read 'Christopher W. Peterman', is written over the typed name and title.

Christopher W. Peterman
Attorney at Law

CWP/eam

cc: Carolyn Kellim

City of Roseburg

August 22, 2014

Christopher W. Peterman
Attorney at Law
836 W. Military Avenue
Roseburg, OR 97471

Re: APPEAL OF NOTICE TO ABATE NUISANCE
Your Client: Carolyn Kellim
Notice of Abatement of a Nuisance Violation of LUDO 4.4.100
856 SE Sharon, Roseburg, OR 97470

Dear Mr. Peterman:

This letter is directed to you as representative for your client, Carolyn Kellim, owner of the above-referenced property, wherein she operates a business under the name KC's Exchange.

Pursuant to RMC 7.06.020, the City issued an Abatement Notice regarding the said business and pursuant to RMC 7.06.030, your client appealed said determination. A hearing on said appeal was held on June 19, 2014. The hearing was continued at your request to allow you to submit further points for consideration. No further material was submitted, and the time allowed for that has expired.

After consideration of the material in the City's file, along with the written material submitted by you herein and the information submitted by you and your client at the hearing, I have made the following findings of fact and determination of the issues presented.

As set forth in the material in the file, your client filed a Statement of Compliance for Home Occupation on August 15, 2013, in which she agreed that her business would comply with the conditions of LUDO 4.4.100 as set forth below. I find as set forth below that such conditions are being violated:

1. ***"No new construction that is undertaken for the express purpose of accommodating a home occupation shall be permitted."*** After opening her business and operating for several months in 2013-2014, Mrs. Kellim obtained a building permit for her home at 856 SE Sharon on March 18, 2014 to enclose the east side of her garage. City staff visited the home on May 7, 2014, and discovered the new enclosure was occupied by Mrs. Kellim's gun store.

Exhibit C
Page 1 of 3

RECEIVED
AUG 22 2014
BY: _____

2. ***"A home occupation shall be primarily service oriented. Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers."*** Mrs. Kellim told staff that her sales are done on site and that it would be too difficult to sell her products by delivery or some other off-site arrangement. A copy of a KC's Exchange Facebook post submitted to the City by a concerned neighbor states: "Did you know you can order on-line and have your item shipped directly to KC's? You can even pay for it when you pick it up."
3. ***"Home occupations shall be allowed one (1) non-illuminated sign, not to exceed one (1) square foot in area, which identifies the nature of the occupation and the operator thereof. The sign shall not be located in any required yard unless it is flat mounted and affixed to the structure."*** The business has a sign on the building and a second in the front yard.
4. ***"The home occupation shall not cause any external effect that will infringe in any manner upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes. Such external effects may include, but are not limited to: increased noise, dust, smoke, objectionable odors, traffic congestion, excessive lighting or any effect which is in violation of the Land Use and Development Ordinance, or other applicable government codes."*** Repeated complaints from neighbors have cited the increase in traffic and noise that is specifically tied to KC's Exchange during its business hours of 10:00 a.m. to 6:00 p.m. During staff's visit on May 7, 2014, two customers were served within 45 minutes. They arrived and left by vehicle, and both purchased items on site.

Your main argument in your letter dated May 29, 2014, and also as presented at the hearing June 19, 2014, is that, because Mrs. Kellim donates the net proceeds from her business to charity, her business should not be considered an "occupation". The term "occupation" is not defined in LUDO. However, dictionary definitions define the term "occupation" as that which occupies or engages a person's time or attention; the principal activity of one's life. Whether or not a person makes a profit or retains a profit from the activity is not the determining factor.

Furthermore, when interpreting standards in LUDO—for example, whether an activity is a home occupation—case law has established that the test is an objective test that focuses on the impacts caused by the activities that are occurring on the land, rather than on the actual motivation of the owner or operator. See for example *Penny Cox vs. Polk County and City of Dallas*, 39 Or LUBA 1 (2000).

In this present case, the requirements of LUDO Section 4.4.100 are primarily directed at prohibiting retail sales businesses in residential zones. The main impact caused by retail sales businesses is traffic to and from the business. Therefore, the City has the requirement listed as #2 above, which is that the home occupation shall be primarily

2)

service-oriented. Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers. In this case, Mrs. Kellim's donation of proceeds to charity has no bearing on the impact caused to the neighborhood by the traffic being generated to and from her residence.

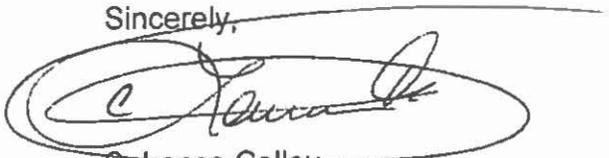
As we discussed at the hearing, if the term "home occupation" was interpreted to allow any homeowner to conduct a business such as Mrs. Kellim's, the effects on residential neighborhoods would be extremely adverse.

For all of the reasons stated herein, and based on the facts as shown in the materials in the file, which are incorporated herein by this reference, I find that Mrs. Kellim's business is in violation of the standards of LUDO 4.4.100 and is a nuisance and I hereby deny the appeal. The prior notice of abatement is upheld and shall be enforced.

Pursuant to RMC 7.06.030(F), your client has ten (10) days after the date you receive this decision in which to petition for a review to the City Council. Such petition shall be in writing and shall specify the reasons why the City Manager's decision is erroneous and state the desired result.

This decision is being mailed to you as Mrs. Kellim's legal representative by First Class Mail, on the date shown above, at the top of this decision. It will be presumed to have been received three (3) business days following the date of mailing shown above.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Lance Colley", is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

C. Lance Colley
City Manager

3)

Exhibit C
Page 3 of 3

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



PUBLIC HEARING B
05-11-15

JU
5/15/15

Resolution No. 2015-08 - Exemption from Competition in Public Contracting for Construction Management Services – Oak/Washington Improvement Project Construction Management Services

Meeting Date: May 11, 2015
Department: Public Works
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

Staff recently negotiated a proposed scope and budget for construction management (CM) services for the Oak/Washington Improvements. The issue for the Council is whether to adopt the attached resolution exempting the contract from public bidding and award the construction management contract to i.e. Engineering, Inc.

BACKGROUND

A. Council Action History

- On October 28, 2013, acting as the Urban Renewal Board (the Board) awarded the design contract to i.e. Engineering, Inc.
- On January 27, 2014, the Board approved the design concepts for the Washington/Oak Project and included keeping Rose Street as a two-way street.
- On March 10, 2014, the Board approved a contract amendment with i.e. Engineering for additional work including a traffic operations analysis.
- On March 17, 2014, the Board revisited the project and decided to:
 - Keep the parking at the Post Office head-in.
 - Proceed with a traffic study to evaluate the impacts of reducing one lane of traffic on Washington and Oak between Jackson and Kane Streets.
 - If the traffic study indicated that one travel lane was feasible, proceed with constructing back-in angled parking on Washington and Oak as proposed for a one-year trial period.
- On May 12, 2014, the Board directed staff to eliminate all back in parking and proceed with front in angled parking.
- On November 24, 2014, the Board approved a second contract amendment to the engineering design contract.
- On February 23, 2015, Council:
 - Authorized an Intergovernmental Agreement with RUSA to include sanitary sewer work as part of the project, with RUSA reimbursing the City.
 - Authorized removal of parking meters as required; and
 - Adopted a resolution pre-qualifying two concrete contractors to perform the concrete work on this project.

B. Analysis. In October 2013, the Urban Renewal Agency contracted with i.e. Engineering for design services for the Oak/Washington Improvement Project. The original contract amount was for \$54,115. In February 2014 the Agency approved an amendment to the design contract increasing the total contract amount to \$82,485 and in November 2014 the contract was further increased by \$28,392. The design was completed in March 2015 and construction bids were opened on April 23, 2015.

Considering their role as the design engineer, their previous CM experience with the City on several projects, their qualifications and availability, and potential cost savings given their familiarity with the project, staff negotiated directly with i.e. Engineering for the construction management services required for this project. Since the total contract costs exceed \$100,000, this will require Council to undertake an exemption process prior to the contract award. Staff has attached a draft resolution outlining the findings on which the exemption from competitive bidding is based. The process requires a public hearing so that the Council may take comments on the proposed exemption.

The proposed scope of work includes pre-construction services, request for information support, proposal request and change order preparation, submittal review, preparation of pay requests, inspection services, testing and start up, preparation of record drawings, and other miscellaneous services.

C. Financial and/or Resource Considerations. The proposed cost of the construction management contract with i.e is \$117,092. The design contract with amendments totaled \$110,877. Total estimated project costs are included in the construction award memo for this project, included in this same agenda.

D. Timing Issues. If a contract is awarded, construction would begin in June and be complete in November 2015. Delaying award will delay construction.

COUNCIL OPTIONS

The Council has the following options:

- 1) Adopt the attached resolution and award the contract for construction management services to i.e Engineering, Inc. for an amount not to exceed \$117,092 or;
- 2) Request additional information; or
- 3) Recommend not moving forward with the contract, which will require another solution for construction management and may delay the project.

STAFF RECOMMENDATION

The Public Works Commission discussed this contract and exemption at their April 30th meeting. The Commission recommended adopting the resolution and awarding the contract to i.e. Engineering, Inc. Staff concurs with this recommendation.

SUGGESTED MOTION

- 1) *I move to adopt Resolution No. 2015-08, A Resolution Regarding Exemption From Competition In Public Contracting For Construction Management Services For The Oak/Washington Improvement Project*
- 2) *I move to authorize a contract with i.e. Engineering, Inc. for construction management services for the Washington/Oak Improvement Project for an amount not to exceed \$117,092.*

ATTACHMENTS

Resolution entitled "A Resolution Regarding Exemption From Competition In Public Contracting For Construction Management Services For The Oak/Washington Improvement Project"

RESOLUTION NO. 2015-08

A RESOLUTION REGARDING EXEMPTION FROM COMPETITION IN PUBLIC CONTRACTING FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE OAK/WASHINGTON IMPROVEMENT PROJECT

WHEREAS, in October 2013, the City engaged i.e Engineering, Inc. to provide engineering services related to the engineering design for a project to improve Oak, Washington, and Kane Streets in Downtown Roseburg. Additionally, in March and November of 2014 the City increased the contract with i.e Engineering, Inc. to provide engineering services including traffic analysis, waterline design and street lighting design for the proposed improvements; and

WHEREAS, since the project started in 2013, the City has paid i.e. Engineering, Inc. \$130,876, for services related to the project, and it is estimated that the cost for providing construction management services of said project by i.e. Engineering, Inc. would be \$117,092; and

WHEREAS, ORS 279C.110(3) states that a local contracting agency may adjust its procedures created for screening and selection of consultants and the selection of a candidate under said section and adjustments to accommodate a contracting agency's objectives may include provision for the direct appointment of a consultant if the value does not exceed a threshold amount as determined by the contracting agency; and

WHEREAS, Roseburg Municipal Code Section 3.06.035 permits the City Council to exempt a special public contract from competition on making appropriate findings; and

WHEREAS, i.e. Engineering, Inc.'s prior work on the project and familiarity with the project gives it specialized knowledge particular to the project and a unique capacity and capability to perform the work within tight time lines and at a cost savings associated with transferrable experience and background in past work performed; and

WHEREAS, the Council finds that the above facts will yield substantial cost savings, enhancement in quality, performance and other public benefit anticipated by direct appointment of i.e. Engineering, Inc.; and

WHEREAS, the approval of this direct appointment would be unlikely to encourage favoritism or diminish competition for the contract, in that i.e. Engineering, Inc.'s unique familiarity and readiness to perform the work would likely result in i.e. Engineering, Inc. being appointed in any event; and

NOW THEREFORE, the City of Roseburg resolves as follows:

1. The Roseburg City Council, acting as the local contract review board, makes the above findings and based on such findings does hereby approve and authorize staff to award and enter into a construction management services contract with

i.e. Engineering, Inc., in the amount of \$117,092, for construction management services on the Oak/Washington Improvement Project.

2. This resolution is effective upon adoption.

**APPROVED BY THE COUNCIL OF THE CITY OF ROSEBURG, OREGON, AT
ITS REGULAR MEETING ON THE ____ DAY OF MAY 2015.**

Sheila R. Cox, City Recorder

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

5/5/15



ANNUAL FEE AMENDMENTS

Meeting Date: May 11, 2015

Department: Management Technician

www.cityofroseburg.org

Agenda Section: Consent

Staff Contact: Debi Davidson

Contact Telephone Number: 492-6866

ISSUE STATEMENT AND SUMMARY

Pursuant to previous adopted City Council resolutions, service fees are to be adjusted annually based on either the Salem-Portland CPI-U for the preceding calendar year or the March Construction Cost Index (CCI). In addition, other fee adjustments have been recommended by the Parks and Recreation Commission for park usage.

BACKGROUND

1. **Council Action History.** Unless special circumstances arise in the course of the fiscal year, the City Council generally takes action each May or June to adjust fees effective July 1st.
2. **Analysis.** The attached Resolutions incorporate all of the adjustments described in this section.
 - A. **Fire Department:** Pursuant to Resolution No. 2006-02, Fire Department service fees are to be adjusted annually based on the Salem-Portland CPI-U. That adjustment for 2014 was 2.4%. As a housekeeping matter, the resultant adjusted rates need to be adopted by resolution to be effective July 1, 2015.
 - B. **Airport:** Pursuant to Resolution No. 2006-11, the same CPI formula is to be implemented for certain airport fees with a 3% maximum; this year's adjustment will be 2.4%. Again, as a housekeeping matter, the resultant adjusted rates need to be adopted by resolution to be effective July 1, 2015.
 - C. **Community Development:** In compliance with Resolution No. 2008-10, all Department fees are to be adjusted by the 2.4% CPI rate.
 - D. **System Development Charges:** System Development Charges are to be adjusted annually based upon the March Construction Cost Index (CCI) as reported in the Engineering News Record twenty city average with an inflation factor cap of 5% per year. This year's CCI is 2.78%.
 - E. **Park User Fees:** The Parks and Recreation Commission recently completed an evaluation of park user fees and made a recommendation to adjust the fees for practice field use and for seasonal activity users which are those covered by an annual agreement with an organization and allows for unlimited league

participation. A complete report, which was presented to the Parks Commission, on the justification for these rate adjustments is attached.

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

COUNCIL OPTIONS

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

STAFF RECOMMENDATION

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

SUGGESTED MOTIONS

1. *"I MOVE TO ADOPT RESOLUTION NO. 2015-06 AMENDING RESOLUTION NO. 92-13 REGARDING FEES. "*
2. *"I MOVE TO ADOPT RESOLUTION NO. 2015-07 AMENDING RESOLUTION NO. 91-28 REGARDING WATER FEES."*

ATTACHMENTS

- Parks and Recreation Commission Fee Report
- Resolutions Implementing the Subject Fees

CITY OF ROSEBURG
MEMORANDUM



DATE: April 1, 2015
TO: Parks & Recreation Commission
FROM: Barbara Taylor, Parks & Recreation Program Manager
SUBJECT: Parks Fee Structure Updates

ISSUE STATEMENT AND SUMMARY

At the March Commission meeting staff presented information regarding several park usage fees for the Commission to review for possible updating. Commission also considered whether or not to factor City residency into the fee structure for City park facility usage. Commission will make a final review of their proposed recommendations prior to forwarding to Council.

BACKGROUND/ANALYSIS

The Commission periodically reviews fees and recommends updates to City Council. The two fees outlined below have not been updated in ten years, and were discussed at the March meeting.

A. Annual Organized User Group Fee. This fee, last updated in 2004, is the 'per player' fee that guides the fees that organizations pay for their use of the parks for their activities. This includes groups such as Cal Ripken (Little League), Umpqua United Soccer (formerly RSA), and several adult softball leagues. Each year the organizations complete an annual usage agreement with the City outlining fees, their usage times, and other items. The fee is the same for every organization. The current fee is \$10 per player, with a \$20 family maximum.

In the years since the fees for the organized user groups were last changed, the consumer price index (Portland, OR) has risen over 25%. This is a measure of the average change in prices over time. The total estimated annual maintenance cost for the park athletic field areas, including labor, is \$400,000. Athletic fields are located at five parks and include 8 softball fields, 5 baseball fields, 1 t-ball field, and 10 soccer fields of various sizes.

The organizations, and their most recent number of participants and fees paid, are listed below.

<u>Organization:</u>	<u>2014 # of Players:</u>	<u>Fees 2014:</u>	<u>Fees 2013:</u>	<u>Fees 2012:</u>
ASA Indian Fastpitch	25	\$220	\$220	\$210
Babe Ruth	111	\$868	\$640	\$434
Cal Ripken Little League	748	\$6,910	\$6,498	\$6,568
Church League Softball	250	\$2,508	\$2,150	\$2,580
Co-Ed Softball	74	\$740	\$500	\$410
DC Express (travel team)			\$100	
DC Men's Softball	170	\$1,700	\$2,679	\$2,806
DC Women's Softball	161	\$1,610	\$2,096	\$2,058
U V Horseshoe Club	12	\$120	\$120	\$110
Kidsports	28	\$280		
RSA (soccer)	1070	\$9,525	\$9,795	\$10,175
UVC (baseball, softball, soccer)	53	\$360	\$429	\$468
	2702	\$24,841	\$25,227	\$25,819

In 2009 the Parks Commission updated fees for park facility rentals (such as the Stewart Park pavilion) and incorporated a resident/non-resident fee structure, with the non-resident fees approximately 25% higher than resident fees. It was noted that with the primary funding of the park system from City tax revenue, the City taxpayers were essentially subsidizing the park system for the larger community.

Many Oregon cities add a 'surcharge' to non-residents utilizing park facilities and recreation programs. A 2009 survey by staff of seventeen Oregon cities revealed that 82% had separate resident/non-resident fees for their park facility rentals. A recent review of rosters from several organizations utilizing Roseburg park facilities show that city residents make up 23% (2014 Cal Ripken League), 34% (2009 Umpqua United Soccer League), 35% (2013 DC Men's League), and 31% (2014 DC Co-Ed League) of their participants. On average, the organizations are comprised of 70% non-residents and 30% residents.

After discussion the Commission recommended that a "per player fee with a City of Roseburg resident discount" be introduced into the City fee structure. Commissioners reviewed a variety of fee options and settled on the recommendation of a fee of \$15 per player (non-resident) with a discounted resident fee of \$12 per player.

Another item within the organized user group fees that the Commission discussed was the maximum per family fee, currently structured that an organization pay for a maximum of two family members within their organization. Commission members recommended the family maximum fee be eliminated. Additionally, the option for the organized user groups to pay an average of their last three years number of participants less 5% will be removed from future annual agreements. This option is not included in the City's fee structure.

Attachment A, discussed by the Commission in March, shows a variety of fee increase options based on a resident/non-resident structure, and the estimated revenue each option would generate. The examples are based on the 2014 number of 2700 participants, of which an average of 30% are City residents. Attachment B shows recent program fees that the organized user groups charge. Attachment C is a list of various other cities and their fee structures for similar organized park use. Attachment E is the current City fee schedule for parks and recreation.

B. Practice Field Use Fee. This fee, last updated in 2001, is for a team in one of the established athletic leagues to reserve a field to hold their practices on. The current fee is \$65 for the season, and allows the team to practice two days each week for a maximum of two hours each time. After discussion, the Commission is recommending that the fee be increased to \$100 per season. Attachment D shows a sample of ballfield reservation fees from other cities.

TIMING ISSUES

City fees are addressed in commissions and are to be forwarded to City Council in June. This would require the Parks Commission to take action no later than their May meeting to forward a recommendation to City Council. Changes would become effective July 1, 2015.

STAFF RECOMMENDATION

Staff recommends Commission forward the proposed fees, identified in Attachment F, to Council for adoption into the City fee schedule.

SUGGESTED MOTION

I move to forward the proposed fees, identified in Attachment F, to City Council for their consideration for adoption into the City fee schedule.

Attachment A

Resident / Non-Resident Options

Assumes 30% Resident / 70% Non-Resident, 2700 total participants

Est Total Annual Revenue

Residents \$11 / Non-Residents \$12:	\$31,590
Residents \$10 / Non-Residents \$15:	\$36,450
Residents \$12 / Non-Residents \$15:	\$38,070 *
Residents \$14 / Non-Residents \$17:	\$43,470

* Recommended by Commission

Attachment B

Local Athletic Organization Fees:

(Fees are *per participant* unless otherwise noted)

Umpqua Valley Cal Ripken Baseball/Softball:

T-Ball and Machine-Pitch	\$ 115
Little League	\$ 125
Babe Ruth	\$ 125

Umpqua United Soccer Club (RSA):

Recreational League	U6	\$ 70
	7-12	\$ 85
	13-14	\$ 95
Competitive League	Try-out fee	\$ 10
	U11	\$ 170
	U12-U14	\$ 325
	Uniform fee	\$ 115

Douglas Co. Adult Men's Softball	\$ 600 per team
Douglas Co. Adult Women's Softball	\$ 500 per team
Douglas Co. Adult Co-Ed Softball	\$ 400 per team

Attachment C

Agency:	Fee:
City of Roseburg	\$10 per player annually (w/ \$20 family max)
City of Albany	\$50 per team, per season (same as local school district)
City of Ashland	Per season field use for leagues: \$100/ 1 day a wk to \$250/ 5 days a wk
City of Medford	Youth: Residents \$5.20 per player, per season (2 seasons/yr) Non-Residents \$9.40 per player, per season (2 seasons/yr) (Seasons are March - July and August - November) Adult: Residents \$8.30 per player per season (2 seasons/yr) Non-Residents \$15.60 per player, per season (2 seasons/yr)
City of Gresham	Youth: Residents \$7 per player Non-Residents \$14 per player Adult: Residents \$12 per player Non-Residents \$18 per player
City of Lake Oswego	Youth: Residents \$17 per player, per season Non-Residents \$27 per player, per season Adult: Residents \$22 per player, per season Non-Residents \$32 per player, per season
City of Corvallis	Little League - \$10,000 per year (via agreement)

Attachment D

Reserved Practice Fields

Agency:	Fee:
City of Roseburg	\$65 per field / per season = 2 days per wk, for 2 hrs each
City of Corvallis	\$35 / 2 hours Mon - Thurs \$75 per field All Day \$75 / 2 hours Fri - Sun \$100 per field All Day
City of Wilsonville	\$10 / hr Resident \$20 / hr Non-Resident
City of West Linn	\$15 / hour \$75 / daily

RESOLUTION NO. 2015-06

A RESOLUTION AMENDING RESOLUTION NO. 92-13 REGARDING FEES

WHEREAS, Resolution No. 2006-02 and Resolution No. 2008-10 require annual adjustments to Fire Department and Community Development Department fees be made based upon the Salem-Portland CPI-U. That adjustment is 2.4% for calendar year 2014; and

WHEREAS, Resolution No. 2006-12 requires annual adjustments to certain Airport fees be made based upon the Salem-Portland CPI-U for the preceding calendar year up to a maximum of 3%. That adjustment is 2.4% for 2014; and

WHEREAS, Systems Development Charges are to be adjusted annually based upon the March Construction Cost Index. That adjustment is 2.78%; and

WHEREAS, the Parks and Recreation Commission has evaluated park usage fees and recommended adjustment for certain fees.

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

Section 1: Effective July 1, 2015, the below-listed Fire Department fees shall be adjusted as follows:

False Alarm Response Fee to be assessed for the 3rd through 6th false alarm for the same location within any calendar year (partial reimbursement)..... 300.00 ea 307.00
7th and each subsequent false alarm (full reimbursement) 696.00 ea 713.00

False Alarm Appeal Fee 417.00 120.00

Inspections

Illegal Occupancy 330.00 338.00
Exceeding maximum occupant load 150.00 154.00
"A" Occupancy Inspections (after hours) 92.00 94.00

Business Inspections

Unmitigated violations - Subsequent re-inspections

1st re-inspection visit.....154.00 155.00 per facility plus 34.00 32.00 per violation class
2nd re-inspection visit.....270.00 276.00 per facility plus 30.00 32.00 per violation class
3rd & subsequent re-inspection visits 510.00 522.00 per facility plus 34.00 32.00 per violation class

Permits

Blasting..... 150.00 154.00

Burn permits		
Residential	66.00	<u>68.00</u>
Commercial	330.00	<u>338.00</u>
Exempt From Seasonal Restriction	90.00	<u>92.00</u>
Fireworks including retail sales inspection		
Booth	121.00	<u>124.00</u>
Tent	150.00	<u>154.00</u>
Display.....	300.00	<u>307.00</u>
Storage Tanks		
Installation	150.00	<u>154.00</u>
Removal	91.00	<u>93.00</u>

On-Site Inspections

Underground piping		
Flushing.....	90.00	<u>92.00</u>
Hydrostatic test.....	90.00	<u>92.00</u>
Aboveground Piping		
Modifications/Remodels	90.00	<u>92.00</u>
Sprinkler System Pre-Cover (\$50.00 minimum)	90.00	<u>92.00/hr</u>
Hydrostatic Test	90.00	<u>92.00</u>
Pneumatic Test	90.00	<u>92.00</u>
Dry Piping Trip Test	90.00	<u>92.00</u>
Standpipes	90.00	<u>92.00</u>
Fire Alarm Systems	90.00	<u>92.00/hr</u>
Missed Appointment Fee	90.00	<u>92.00</u>
Smoke Removal Systems.....	90.00	<u>92.00</u>
Final Inspection (\$100.00 minimum).....	90.00	<u>92.00/hr</u>
New Hydrant Installation Inspection and flushing per Hydrant.....	150.00	<u>154.00</u>

Additional Inspections

Clean Agent System (site inspection/room integrity flow & alarm test)	150.00	<u>154.00</u>
Commercial Cooking Hoods (site inspection/trip test)	121.00	<u>124.00</u>
Special Events –(per vendor, per year)	57.00	<u>58.00</u>
- Includes as examples: Graffiti, Art Festival, Music on the Half Shell		
Special Requested Inspection (typically business insurance purposes) .	112.00	<u>115.00/hr</u>
Spray Booths (site inspection/trip test)	150.00	<u>154.00</u>
Temporary Membrane Structures, Tents and Canopies.....	90.00	<u>92.00</u>

Plan Review

Including Deferred Submittals (\$50.00 minimum if less than 1 hour) ..	90.00	<u>92.00/hr</u>
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Mechanical Inspection

Fire Smoke Damper (per damper).....	19.00	(no change)
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Site Review/Consultation

First hour free - Each additional hour per project	90.00	<u>92.00/hr</u>
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Hazardous Materials

One hour minimum - Non-State Team Response	300.00	<u>307.00</u>
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Opticom Traffic Control Device - non City owned vehicles

Annual permit per agency 1,800.00 1,843.00

Section 2: Effective July 1, 2015, the below-listed Airport related fees shall be adjusted as follows:

Rent/Lease Rates (Monthly):

Commercial "Lear"	696.00	<u>713.00</u>
Corporate Hangar Space & Aviation Suites <i>per square foot</i>	0.27262	<u>0.27916</u>
Storage Units B, G, H, I	71.00	<u>73.00</u>
Storage Unit F	51.00	<u>52.00</u>
T-Hangar single (except I-5, I-9 and I-14).....	215.00	<u>220.00</u>
T-Hangar single (North end I-5, I-9, I-14).....	157.00	<u>161.00</u>
T-Hangar twin (South end)	395.00	<u>404.00</u>
Tie-Downs single (<i>per space</i>).....	35.00	<u>36.00</u>
Tie-Downs twin (<i>per space</i>).....	59.00	<u>60.00</u>

Section 3: Effective July 1, 2015, the below-listed Community Development Department fees shall be adjusted as follows:

Above Ground Storage Tank:

Permit..... 219.00 224.00

Administrative Function (*i.e. address, flood certification, DMV*) 28.00 29.00

Amendment (*Conditions, Findings and Plat*) 273.00 280.00

Annexation:

Petition Initiated..... 656.00 672.00

Appeals:

Dangerous Building Abatement (*to City Manager then Council*) (C)..... 273.00 280.00

Boundary Line Adjustment..... 219.00 224.00

Comprehensive Plan Amendment (*Map/Text*) 1,314.00 1,346.00

Urban Growth Boundary..... 1,639.00 1,678.00

Conditional Use Permit..... 546.00 559.00

Day Care 273.00 280.00

Demolition Permit..... 30.00 31.00

Derelict Building Registration:

Application

Residential..... 250.00 256.00

Commercial	500.00	<u>512.00</u>
<i>Monthly Registration for each month or portion thereof building is registered for the first six months</i>		
Residential.....	109.00	<u>112.00</u>
Commercial	500.00	<u>512.00</u>
<i>Extension – Monthly Registration for each month or portion therefore building is registered after six months</i>		
Residential.....	218.00	<u>223.00</u>
Commercial	1,000.00	<u>1,024.00</u>
<i>Delinquent Payment Penalty (for each monthly payment more than 30 days past due)</i>		
.....	500.00	<u>512.00</u>
Expedited Land Use Action (plus \$100 postage)	1,748.00	<u>1,790.00</u>
Grading Plan:		
Single Family Unit/Duplex	54.00	<u>55.00</u>
Other	273.00	<u>280.00</u>
Historic Structure – Alteration/Construction/Demolition	54.00	<u>55.00</u>
Non-Conforming Use Alteration	164.00	<u>168.00</u>
Partition:	438.00	<u>449.00</u>
Planned Development:		
Preliminary (plus \$10.00 per lot).....	983.00	<u>1007.00</u>
Final	109.00	<u>112.00</u>
Second Resubmittal	109.00	<u>112.00</u>
Construction Review	109.00	<u>112.00</u>
Riparian Setback	164.00	<u>168.00</u>
Site Plan Review:		
New Construction Single Family Unit/Duplex	109.00	<u>112.00</u>
Commercial/Industrial/Other.....	381.00	<u>390.00</u>
Preliminary	109.00	<u>112.00</u>
Mobile Home Park.....	381.00	<u>390.00</u>
Site Plan Review – Signs:		
Area – 0 to 32 square feet.....	22.00	<u>23.00</u>
Area – 33 to 60 square feet.....	33.00	<u>34.00</u>
Area – 61 to 99 square feet.....	38.00	<u>39.00</u>
Area – 100 to 250 square feet.....	54.00	<u>55.00</u>
Freestanding (in addition to above).....	22.00	<u>23.00</u>

Subdivision:

One to 3 lots	382.00	<u>391.00</u>
Preliminary (plus \$10.00 per lot).....	983.00	<u>1007.00</u>
Construction Plan Review	400.00	<u>112.00</u>
Final Plat	400.00	<u>112.00</u>
Replat.....	381.00	<u>390.00</u>
Second Resubmittal	400.00	<u>112.00</u>

Technical Review:

Alteration/Remodel Single Family Unit/Duplex.....	38.00	<u>39.00</u>
Alteration/Remodel Commercial/Industrial	54.00	<u>55.00</u>

Temporary Permit:

Family Hardship/Structure [<i>City Manager and/or Community Development Director can waive fee based on financial hardship</i>].....	400.00	<u>112.00</u>
Use/Zoning, Etc.....	400.00	<u>112.00</u>

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

	381.00	<u>390.00</u>
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Variance:

Administrative.....	210.00	<u>224.00</u>
Public Hearing before Planning Commission	438.00	<u>449.00</u>

Water Service Request for Outside City Limits:

Residential – Single Family	400.00	<u>112.00</u>
Residential – Other.....	273.00	<u>280.00</u>
Commercial	381.00	<u>390.00</u>

Zone Change	810.00	<u>839.00</u>
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Section 4: Effective July 1, 2015, the following System Development Charges shall be adjusted as follows:

Park System Development Charge: (Per Equivalent Residential Unit [ERU] for new development)	576.00	<u>592.00</u>
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Storm Drainage System Development Charge

For a single family unit	984.00	<u>1011.00</u>
For all other development per square foot of impervious surface	0.328	<u>0.336</u>
Minimum	984.00	<u>1011.00</u>

Transportation System Development Charge: for new development)

Methodology Resolution #2014-1Per Trip-End	
	2762.00	<u>2839.00</u>

***** Pursuant to Resolution No. 2014-2, Transportation SDC's are imposed at 25% or \$691.00 \$710.00 per trip end.**

Section 5: Effective July 1, 2015, the following Park user fees shall be adjusted as follows:

Seasonal Activity User: *(Annual by Agreement – allows unlimited League Participation)*

Individual - Resident.....	10.00	<u>12.00</u>
Individual - Non-Resident.....	10.00	<u>15.00</u>
Family.....	20.00	Maximum
Practice Field Users (<i>per team per season</i>).....	65.00	<u>100.00</u>

**APPROVED BY THE COUNCIL OF THE CITY OF ROSEBURG, OREGON,
AT ITS REGULAR MEETING ON THE 11TH DAY OF MAY 2015.**

Sheila R. Cox, City Recorder

RESOLUTION NO. 2015-07

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

WHEREAS, certain Water Development Charges are to be adjusted annually based upon the March Construction Cost Index which was 2.78%; and

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

Section 1: Effective July 1, 2015, all service connections, except one- and two-family residential combined domestic/fire shall pay the following water system development charge:

<u>Meter Size</u>		
5/8" x 3/4"*	2,148.00	<u>2,208.00</u>
3/4" x 3/4"*	3,222.00	<u>3,312.00</u>
1"*	5,369.00	<u>5,519.00</u>
1-1/2"*	10,739.00	<u>11,038.00</u>
2"	17,184.00	<u>17,662.00</u>
3"	37,589.00	<u>38,635.00</u>
4"	64,439.00	<u>66,233.00</u>
6"	144,986.00	<u>149,023.00</u>
8"	171,836.00	<u>176,620.00</u>

Section 2: Effective July 1, 2015, all service connections for one- and two-family residential combined domestic/fire service shall pay the following water system development charge:

Meter Size – All	2,148.00	<u>2,208.00</u>
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**APPROVED BY THE COUNCIL OF THE CITY OF ROSEBURG, OREGON,
AT ITS REGULAR MEETING ON THE 11TH DAY OF MAY 2015.**

Sheila R. Cox City Recorder

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



Houston Galveston Area Council – Interlocal Contract

Meeting Date: May 11, 2015
 Department: Fire
www.cityofroseburg.org

Agenda Section: Consent
 Staff Contact: Gregg Timm
 Contact Telephone Number: 541-492-6770

ISSUE STATEMENT AND SUMMARY

Joining the Houston Galveston Area Council (H-GAC) will allow the City of Roseburg to receive highly competitive pricing on future purchases. The issue for Council is whether to authorize the City Manager to join by entering into an Interlocal Contract (ILC).

BACKGROUND

A. Council Action History. None.

B. Analysis. The H-GAC is a regional planning commission and political subdivision of the State of Texas that has instituted a cooperative purchasing program to allow other eligible members to utilize H-GAC's pricing. The H-GAC has become a large asset to government purchasing power, saving both time and money. Over 85 local government agencies throughout Oregon are current members, including 31 Oregon cities. Cities, counties, special districts and qualifying non-profits can join H-GAC by entering into an Interlocal Contract (ILC).

C. Financial and/or Resource Considerations. There are no fees incurred by the City of Roseburg to join H-GAC. Any future purchases over the City Manager's authority would be brought before Council for consideration.

D. Timing Issues. The proposed FY 15-16 budget includes the purchase of a new fire apparatus. The lead time for this piece of equipment is nine months. If the budget is approved, staff will pursue purchase of the equipment as quickly as practical and may propose to use the H-GAC for this purchase.

COUNCIL OPTIONS

The City Council has the following two options:

- 1) Authorize the City Manager to enter into an Interlocal Contract with the Houston Galveston Area Council; or
- 2) Deny authorization to join H-GAC.

STAFF RECOMMENDATION

Staff recommends that the Council authorize the City Manager to enter into an ILC with the Houston Galveston Area Council for future purchases.

SUGGESTED MOTION

I MOVE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN INTERLOCAL CONTRACT WITH THE HOUSTON GALVESTON AREA COUNCIL.

CJ
5/15/15

**ROSEBURG CITY COUNCIL
AGENDA ITEM SUMMARY**



Stewart Park Multi-Use Path Bid Award

Meeting Date: May 11, 2015
Department: Public Works
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

On April 30, 2015, the City received bids for the reconstruction of a section of the multi-use path in Stewart Park. The issue for Council is whether to award the construction contract.

BACKGROUND

A. Council Action History. On July 14, 2014, Council authorized a grant application to the Oregon Parks and Recreation Department's Recreational Trails Grant Program.

B. Analysis. The City received a grant from the Oregon Parks and Recreation Department through the Recreational Trails Program to renovate a section of multi-use path in Stewart Park between the park maintenance shop and the golf course parking lot, identified on the attached aerial photo. The section is approximately 2,300 feet long and the new width will be 10 feet. During the design process, the path route was slightly altered in a few locations to avoid tree roots and low areas, and some drainage work was added.

The removal of the existing asphalt path and additional project components such as relocating park benches and trash receptacles will be completed by Public Works crews. The construction of the new path will be completed by a contractor based on the bids below.

Three bids were received on April 30th. They were as follows:

1. LTM Incorporated dba Knife River	\$117,421.10
2. KSH	\$125,125.00
3. Moser Paving	\$146,518.95
<i>Engineer's Estimate</i>	\$136,392.20

C. Financial and/or Resource Considerations. The total project cost estimated on the grant application was \$146,905. Grant funding will reimburse the City for up to 80% of the total project cost. Matching funds of \$18,559 will come from the Bike Trail Fund, in addition to \$10,822 of in-kind labor and equipment from Public Works personnel.

D. Timing Issues. If the project is awarded, City crews will be scheduled to remove the existing asphalt the week of May 25th. Construction of the new path will be completed between June 1st and June 24th. Timing is important because of the heavy use and previously scheduled community events utilizing the path.

COUNCIL OPTIONS

Council has the following options:

- 1) Award the contract to the low bidder, LTM Incorporated dba Knife River for \$117,421.10; or
- 2) Request additional information; or
- 3) Reject all bids and delay the project.

STAFF RECOMMENDATION

The Parks Commission will discuss this project at their May 6th meeting. Staff will report on the Commission's recommendation at the Council meeting. Money has been budgeted and is available to complete this project. The bids appear to be both responsive and responsible. Therefore, staff recommends awarding the project to the low bidder, LTM Incorporated dba Knife River for \$117,421.10.

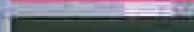
SUGGESTED MOTION

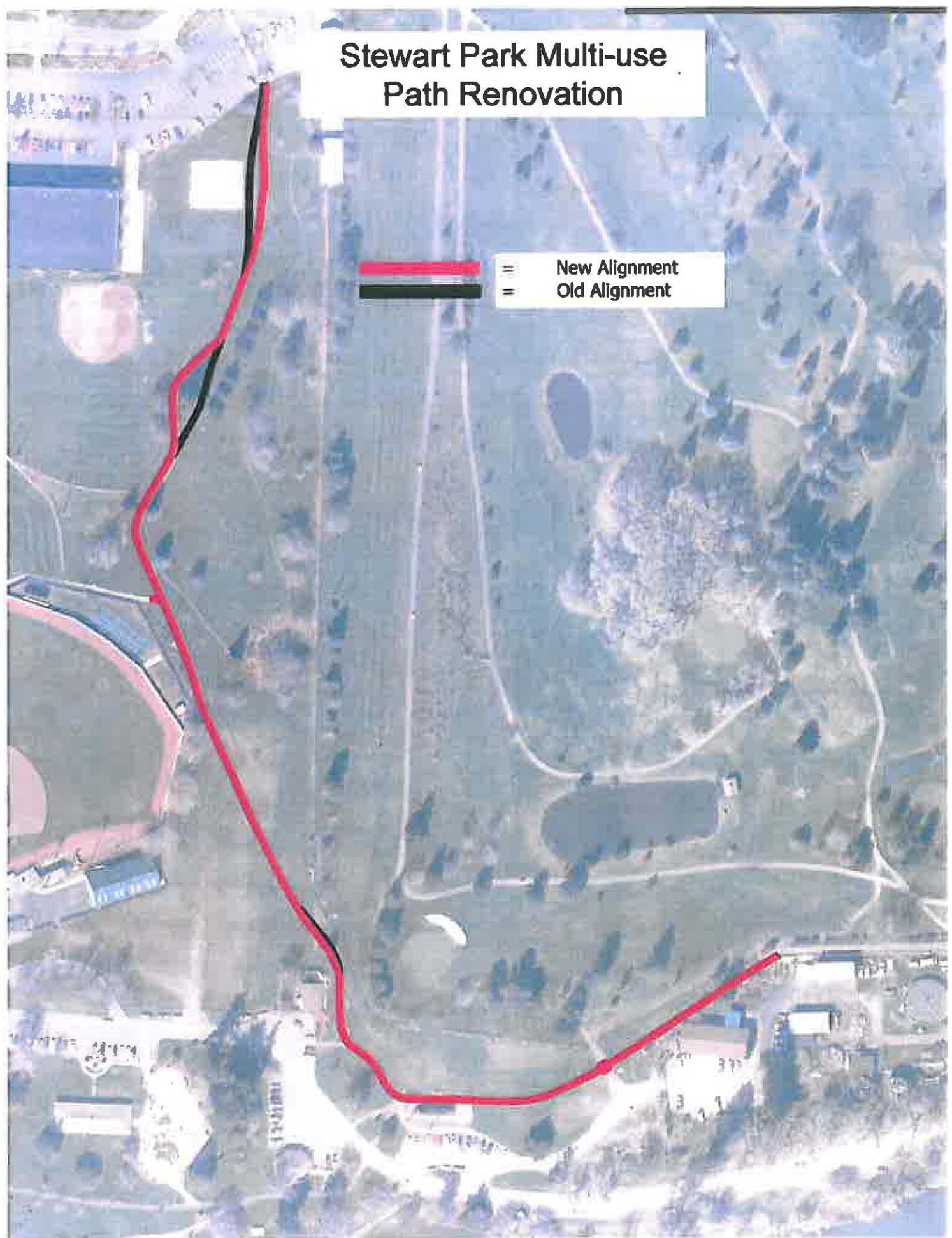
I move to award the Stewart Park Path Renovation Project to the low bidder, LTM Incorporated dba Knife River, for \$117,421.10.

ATTACHMENTS

Aerial photo of path renovation

Stewart Park Multi-use Path Renovation

 = New Alignment
 = Old Alignment



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

*efe
5/16/15*



Oak/Washington Improvements Bid Award Recommendation

Meeting Date: May 11, 2014
Department: Public Works
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

The City received bids on the Oak/Washington Improvement Project on April 23rd. The issue for Council is whether to award the project to the low bidder.

BACKGROUND

A. Council Action History

- On October 28, 2013, acting as the Urban Renewal Board (the Board) awarded the design contract to i.e. Engineering, Inc.
- On January 27, 2014, the Board approved the design concepts for the Washington/Oak Project and included keeping Rose Street as a two-way street.
- On March 10, 2014, the Board approved a contract amendment with i.e. Engineering for additional work including a traffic operations analysis.
- On March 17, 2014, the Board revisited the project and decided to:
 - Keep the parking at the Post Office head-in.
 - Proceed with a traffic study to evaluate the impacts of reducing one lane of traffic on Washington and Oak between Jackson and Kane Streets.
 - If the traffic study indicated that one travel lane was feasible, proceed with constructing back-in angled parking on Washington and Oak as proposed for a one-year trial period.
- On May 12, 2014, the Board directed staff to eliminate all back in parking and proceed with front in angled parking.
- On November 24, 2014, the Board approved a second contract amendment to the engineering design contract.
- On February 23, 2015, Council:
 - Authorized an Intergovernmental Agreement with RUSA to include sanitary sewer work as part of the project, with RUSA reimbursing the City.
 - Authorized removal of parking meters as required; and
 - Adopted a resolution pre-qualifying two concrete contractors to perform the concrete work on this project.

B. Analysis. The intent of this project is to make storm drainage, pedestrian, and ADA improvements as well as other enhancements to increase the functionality and appearance of these streets that lead into the downtown core. The improvements will tie in with those planned as part of the Highway 138E Corridor Improvements and will utilize elements outlined in the existing Downtown Master Plan and Waterfront Development Plan.

Construction documents were completed in March 2015 and the project was advertised for bid. Two construction bids were received on April 23, 2015. They are summarized below.

Bidder	Total Bid Amount
Guido Construction	\$ 2,063,305
Brown Contracting Inc.	\$ 2,059,682
<i>Engineer's Estimate</i>	\$ 1,985,650

C. Financial and/or Resource Considerations. To date, the Urban Renewal Agency has spent approximately \$136,000 on engineering and other miscellaneous fees over the past two fiscal years. Total project costs are higher than the original project budget of \$1.5 million. Since that time, additional street lighting and utility work have been added, as well as additional engineering corresponding to utility work and project parking changes. With the utility work, these additional costs total \$700,000 plus the additional engineering involved.

Staff's proposed FY 15-16 budget reflects the larger project, as outlined below.

	<i>Budgeted</i>
Urban Renewal	\$1,500,000
Streetlight/Sidewalk	\$ 410,000
Storm Drainage	\$ 150,000
Water	\$ 150,000
RUSA contribution (Est.)	<u>\$ 50,000*</u>
Total Project FY 15-16 budget	\$2,260,000

**RUSA will be financially responsible for sewer work performed, per the IGA.*

Utility Bid Amounts w/mobilization (Approx.)

Water	\$186,000
Storm	\$102,500
RUSA	\$ 92,000
Streetlights	<u>\$384,000 *</u>
Total Utility Bid Amounts	\$764,500

**Money can be used towards sidewalks. Staff anticipates using \$410k from this fund*

Staff anticipates that if construction begins in June, \$200,000 may be spent in FY 14-15. The estimated remaining project costs are shown below:

Construction	\$2,059,682
Construction Mgt. Support	\$ 117,092
City Provided Materials	\$ 96,000
Contingency (7.5% of const.)	<u>\$ 154,476</u>
Total Est. Remaining Cost	\$2,427,220
<i>Less amount est. for FY 14-15</i>	<i>\$ 200,000</i>
Total Est. Cost in FY 15-16	\$2,227,220

D. Timing Issues. If a contract is awarded, Notice to Proceed (NTP) is projected to be issued on June 1, 2015 and construction would be complete by November 6, 2015.

COUNCIL OPTIONS

Council has the following options:

1. Award the contract to the lowest responsible bidder, Brown Contracting, Inc., for \$2,059,682; or
2. Request additional information, which may delay the project; or
3. Reject all bids, which will delay the project.

STAFF RECOMMENDATION

The Public Works Commission discussed this project at their April 30th meeting. The Commission recommended awarding the project to the low bidder, Brown Contracting Inc., for \$2,059,682. Money has been budgeted and is available to complete this project. The low bid appears to be both responsive and responsible. Staff concurs with the Commission's recommendation.

SUGGESTED MOTION

I move to award the Oak/Washington Improvement Project to the lowest responsible bidder, Brown Contracting, Inc. for \$2,059,682.

ATTACHMENTS

None.

etc
5/15/15**ROSEBURG CITY COUNCIL
AGENDA ITEM SUMMARY**

PARK PERMIT PROCESS AND FEE

Meeting Date: May 11, 2015
Department: City Manager
www.cityofrosburg.org

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

ISSUE STATEMENT AND SUMMARY

The City Council requested a report from Staff regarding the park reservation process.

BACKGROUND

A. Council Action History. At the meeting of April 27, 2015, a representative from a local veterans' organization approached Council under Audience Participation indicating that he did not believe veterans groups should be required to pay City fees.

B. Analysis. Please find attached a memo from Barbara Taylor to Nikki Messenger regarding the process that has been established to reserve space within City parks. This basic process has been in place for many years and requires Staff time to process and ensure the area is ready for use by the individual or organization reserving the space.

Unless an event or activity is sponsored by the City, we have not previously made provisions for Staff to consider waivers of Council adopted fees. As you can see on the last bullet point during 2014 we processed 113 park reservations for pavilions, specific areas, etc. This count does not include reservations for athletic fields which also require payment of a fee.

In addition to the memo, please find attached the park reservation portion of the fees resolution. As you can see, the suggested fee in this particular instance, which was \$25.00 per day, is the lowest fee on the schedule. As Staff was attempting to provide the least cost to the organization that would be acceptable under our current fees resolution.

C. Financial and/or Resource Considerations. n/a

D. Timing Issues. n/a

ATTACHMENTS

1. Park Reservation Process Outline
2. Park Reservation Fee Schedule



CITY OF ROSEBURG MEMORANDUM



DATE: May 4, 2015

TO: Nikki Messenger, Public Works Director

FROM: Barbara Taylor, Parks & Recreation Program Manager

SUBJECT: **Park Reservation Process**

Below is the process by which park reservations are completed:

- City Hall staff receives a request to make a park reservation. Usually via phone, but occasionally in person. The event is penciled into the park reservation calendar at City Hall. Permittee has ten business days from making the reservation to sign the permit and pay the related reservation fee.
- When the permittee comes in to complete the reservation, the staff person completes the permit with information provided by the permittee.
- Once the permittee pays for the reservation – through the Finance Dep't – the permit is placed in the reservation notebook at City Hall and a copy is placed in the box routed to Park Maintenance. The permittee receives a copy also.
- When the Park Superintendent receives their copy of the reservation the information is delivered to the park maintenance shop where it is put on a calendar of events. Also, the information is typed onto an 'event schedule' that is updated every two weeks and placed in the kiosk near the pavilion in Stewart Park.
- On the day of the park reservation, park maintenance staff does a check of the area to ensure it is clean and ready for the group. This may include cleaning tables, emptying trash, setting out additional trash cans, and any other special requests. Signage is placed at the site indicating the area is reserved.
- Following a reservation the area is checked, cleaned, trash emptied, etc, and signage is removed.
- If the reservation required a cleaning deposit, the City Hall staff person will process the form for a check to be mailed from the Finance Dep't.
- In 2014, the City processed 113 park reservations.

PARKS DIVISION

Band Shell:	Resident
Entire Shell CA3-20 A9-15	250.00
Platform Only A3-20 A9-15	125.00
Cleaning Deposit (<i>Refundable</i>) (c)	50.00

Band Shell:	Non-Resident
Entire Shell CA3-20 A9-15	300.00
Platform Only A3-20 A9-15	150.00
Cleaning Deposit (<i>Refundable</i>) (c)	50.00

Concessionaire:	
Daily A3-20.....	20.00
Monthly N1-03	150.00
Utility Hook-up (<i>per day - upon request</i>) A3-20	30.00

Field Lighting	
Stewart Park Softball Fields N4-12	\$8.00/hour

Key Deposit (Refundable) N8-10	25.00
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Loudspeaker Permit CA3-20	20.00
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Memorial Fees	
Stationary Park Bench – Stewart Park N13-6.....	1,500.00
Stationary Park Bench – All Other Parks N13-6.....	1,200.00
Swinging Park Bench – Stewart Park N13-6	3,000.00
Swinging Park Bench – All Other Parks N13-6.....	2,500.00
Tree (2"+ caliper) – Stewart Park N13-6.....	500.00
Tree (2"+ caliper) – All Other Parks N13-6	450.00

Parks and Recreation Programs:	
Resident N9-15	actual cost of time and materials
Non-Resident N9-15.....	actual cost of time and materials plus 25%

Pavilion/Gazebo/Patio Use:	Resident
½ Stewart Park Pavilion C A3-20 A9-15	75.00
Entire Stewart Park Pavilion C A3-20 A9-15.....	150.00
Stewart Park Small Pavilion A8-10 A9-15	50.00
Gaddis Park Pavilion C A3-20 A9-15.....	75.00
Sunshine Park – North Pavilion A3-20 A9-15	75.00
Sunshine Park – South Pavilion A3-20 A9-15.....	75.00
Willis and North Stewart Park Gazebo CA3-20 A9-15.....	25.00

Pavilion/Gazebo/Patio Use:	Non-Resident
½ Stewart Park Pavilion N9-15.....	90.00
Entire Stewart Park Pavilion N9-15	180.00
Stewart Park Small Pavilion N9-15.....	60.00
Gaddis Park Pavilion N9-15	90.00
Sunshine Park – North Pavilion N9-15	90.00
Sunshine Park – South Pavilion N9-15	90.00

Willis and North Stewart Park Gazebo N9-15	30.00
Special Event (Assessed per event per day for any Park or Park area within the Park System) CA3-20 A9-15.....	<i>Resident</i> 125.00
.....	<i>Non-Resident</i> 150.00
Refundable cleaning deposit.....	25.00
Seasonal Activity User: (Annual by Agreement – allows unlimited League Participation)	
Individual C A3-20 A9-15	10.00
Family CA3-20	20.00
Practice Field Users (per team per season) N1-01	65.00
School District No. 4 C A97-16 C4-11.....	5,000.00
Y.M.C.A. C A94-18 C4-11.....	1,925.00
Stewart Park Field Advertising (Per field location & advertising period) N1-1	250.00
System Development Charge: (Per Equivalent Residential Unit [ERU] for new development) N98-5 A6-12 A11-7 A12-7 A13-6	
Administrative Fee in addition to the SDC Charge N6-12 A8-26	4%
Maximum Administrative Fee in Addition to the SDC Charge N 8-26	2500.00
Based on the ratios included in the methodology [Resolution #98-4]	
for each Individual dwelling unit, the SDC will be as follows: <u>ERU Ratio</u>
Single Family Detached Dwelling	1.00
Single Family Attached Dwelling86
Duplex (two attached units).....	.76
Multi-Family Dwelling (3 or more units)58
Manufactured Home Park (3 or more units)66
Transient Occupancy Development (per room).....	.57

Effective July 1, 2010, developments subject to the provisions of Ordinance No. 3287 (outside the City but within the UGB) shall pay 100% of all system development charges. .
N 8-15

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

CLC
5/13/15

INFORMATIONAL A
05-11-15



ACTIVITY REPORT

Meeting Date: May 11, 2015
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 May 11, 2015, meeting, I provide the following items:

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



Agenda
Department Heads Meeting
April 28, 2015 – 10:00 a.m.

1. Review April 27, 2015 Council Agenda
2. Review Tentative May 11, 2015 Council Agenda
3. Tentative Future Agenda
4. Document Signing/Grants
 - Fir Grove Park Playground and Spray Park Grant Check List (2)
 - Umpqua Valley Tennis Center – Outdoor Alcohol Event Permit
5. Next Staff Meeting – May 4, 9:00 a.m., Council Chambers – Budget Power Points
6. Department Items



Agenda
Department Heads Meeting
May 5, 2015 – 9:00 a.m.

1. Budget Power Point Presentation
2. Review Tentative May 11, 2015 Council and Urban Renewal Agendas
3. Tentative Future Agenda
4. Document Signing/Grants
5. Social Media
6. Employee Acknowledgements
Randy Todd, Street Maintenance – 20 years
7. Department Items

CITY CONNECTION

Article Deadline – June 12

Newsletter Distribution – June 24

TENTATIVE FUTURE COUNCIL AGENDA

Unscheduled

- City Hall Entry/Finance Department Remodel
- IAFF Collective Bargaining Contract Ratification
- Parking Enforcement Agreement
- Roadside Memorial Policy
- Tree Ordinance
- Urban Services Agreement
- Amending RMC 5.04 Water Rules and Regulations
- Workers Comp Fund Update – City Manager Authority
- Parking Structure Improvement Design/Construction Management Contract – Urban Renewal Action

June 8, 2015

City Council Ward 2 Interviews

Mayor Reports

- A. Camp Millennium Week Proclamation (June 21-27)

Consent Agenda

- A. Minutes of May 11, 2015 Meeting
- B. U-TRANS Services Contract

Public Hearing

- A. Resolution No. 2015-____, 2015/16 Budget Adoption

Informational

- A. Activity Report

Urban Renewal Agency Board Meeting

- A. Approval of Minutes
- B. Public Hearing – 2015/16 Budget Adoption, Resolution No. UR-15-01
- C. Charlie Gardiner Park Trail Construction Bid Award

June 22, 2015

Consent Agenda

- A. Minutes of June 22, 2015 Meeting

Public Hearing

- A. Fire Engine Purchase
- B. LUDO Phase 2, Ordinance No. _____

Department Items

- A. Parrott/Spruce Improvement Engineering Contract

Informational

- A. Activity Report

Executive Session – Municipal Judge Evaluation

Urban Renewal Agency Board Meeting

- A. Approval of Minutes of June 8, 2015
- B. Parrott/Spruce Improvement Engineering Contract

July 13, 2015

Consent Agenda

- A. Minutes of June 22, 2015 Meeting

Public Hearing

- A. Community Development Block Grant

Ordinance

- A. 2nd Reading, Ordinance No. _____, LUDO Phase 2

Informational

- A. Activity Report

July 27, 2015

Consent Agenda

- A. Minutes of July 13, 2015 Meeting

Informational

- A. Activity Report (Court & Quarterly Financial Report – Quarter Ended June 30)

August 10, 2015

Consent Agenda

- A. Minutes of July 27, 2015 Meeting

Informational

- A. Activity Report

August 24, 2015

Consent Agenda

- A. Minutes of August 10, 2015 Meeting

Informational

- A. Activity Report

Executive Session

- A. City Manager Quarterly Evaluation

September 14, 2015

Council Reports

- A. Implementation of Annual City Manager Performance Evaluation

Consent Agenda

- a. Minutes of August 24, 2015 Meeting

Department Items

- A. Downtown Roseburg Association Annual Report

Informational

- A. Activity Report



September 28, 2015

Mayor Reports

- A. Walk and Bike to School Day Proclamation

Consent Agenda

- A. Minutes of September 14, 2015 Meeting

Informational

- A. Activity Report

October 12, 2015

Consent Agenda

- A. Minutes of September 28, 2015

Informational

- A. Activity Report

October 26, 2015

Consent Agenda

- A. Minutes of October 12, 2015

Public Hearing

- A. LUDO Phase 3, Ordinance No. ____

Informational

- A. Activity Report (Court & Quarterly Financial Report – Quarter Ended Sept 30)

November 9, 2015

Consent Agenda

- A. Minutes of October 26, 2015

Ordinances

- A. 2nd Reading, Ordinance No. ____, LUDO Phase e

Department Items

- A. Resolution No. 2015-__ - Water Fee Schedule Amendment

Informational

- A. Activity Report

Executive Session

- A. City Manager Annual Review

November 23, 2015

Council Report

- A. Manager's Contract

Consent Agenda

- A. Minutes of November 9, 2015

Informational

- A. Activity Report



December 14, 2015

Consent Agenda

- A. Minutes of November 23, 2015

Informational

- A. Activity Report

December 28, 2015

Consent Agenda

- A. Minutes of December 14, 2015

Informational

- A. Activity Report

January 11, 2016

Mayor's Report

- A. State of the City Address
- B. Commission Chair Appointments
- C. Commission Appointments

City Council Ward Reports/Commission Reports

- A. Election of Council President
- B. Planning Commission Appointments

Consent Agenda

- A. Minutes of December 28, 2015

Informational

- A. Activity Report

January 25, 2016

Consent Agenda

- A. Minutes of January 11, 2016

Informational

- A. Activity Report (Municipal Court Quarterly Report)

February 8, 2016

Special Presentation (Invite Budget Committee)

- A. Annual Financial Report – Tom Davidson
- B. Quarterly Financial Report – December 31, 2015
- C. Budget Calendar

Consent Agenda

- A. Minutes of January 25, 2016

Informational

- A. Activity Report

Friday April 24, 2015

Good Friday afternoon everyone! Wow, it's been a very busy spring week. Monday afternoon Finance Director Ron Harker and I (mostly Ron) provided a budget orientation for new(er) Councilors and new(er) budget committee members to provide an overview of the budget process and Oregon State Local Budget Law. Ron reviewed a power point presentation prepared by the Oregon Department of



Revenue and is used in their all day training around the state. While we narrowed the focus to be shared in 90 minutes, I think it was an effective tool to provide folks with an overview at the "higher level" and will allow them to go into the budget meetings with an idea of what to expect, as well as what their role in the process is. We had a great turnout, and special thanks to Councilors Brandt, Marks, McDonald and Kaser for attending with our new Budget Committee members Bob Scott, Sam Hollenbeck and Elias Minaise. Special thanks to Ron Harker too for embracing the budget preparation process in a way that has made the overall process much more efficient from a staff perspective. I'm sure Ron will continue to make the budget document more understandable and a more effective communications tool. After all, budgeting is fun!

Tuesday I attended the Roseburg Area Chamber of Commerce Board meeting. I provided their Board with an update on Council's recently adopted goals and the Urban Renewal projects we plan to complete this summer in the downtown area and the Highway 138 Corridor project. Board members were very supportive of the direction Council is providing through its goals and are looking forward to the improvements that are coming to the core of our community. Obviously everyone is a little apprehensive about the construction disruption, but all were generous in their support of the end product.

Wednesday morning at 7:00 a.m. John VanWinkle and I attended the bi-weekly Chamber/Legislator conference call to discuss items of concern from our legislators, our Chamber and those of us who attend the meetings regularly. There are a number of bills that concern the City and cities in general around local government contracting regulations and minimum wage bills. At this time, most of the bills are in the "rules" committee and it is unclear where they will end up. We have taken a position in opposition to more restrictions in public contracting and are just tracking wage and hour and land use bills. We greatly appreciate our Representatives and Senators for taking the time to conference with us every other week and keep us posted on what is going on in the Capitol.

Thursday Nikki and I met with the Lions Club at Councilor McDonald's invitation and presented updated information on the Highway 138 Corridor Project and its connection to our Oak/Washington Project and other future projects in the area. ODOT now has a website with updated area information and aerial views of the project that can be found at www.roseburg138.com if you want to start following their progress. Once again, this is a very supportive local group that does a lot in the community and is very receptive to the work that will be occurring and the investment in our community.

At your last Council meeting you requested an update on the "Veterans Home". On Wednesday afternoon I spoke with Mr. Cameron Smith, the Director of the Oregon Department of Veterans Affairs in Salem. Mr. Smith indicated Roseburg is still next up for what will be the third Veterans Home in the State of Oregon. He indicated 65% of the funding is dependent on the Federal Government, and that as of yet, new housing construction is not being funded at as high a priority as rehabbing existing facilities. They have a funding request into rehab the housing project that was built in the Dalles, which they believe would be a higher priority, but are still pursuing an open funding application on our site. I have attached a letter dated April 21, 2015, directed to Speaker of the House Representative Kotek and Senate President Senator Courtney that Mr. Smith forwarded to me. I will be happy to update you orally at your meeting Monday as well. There will be little additional information, but we can put the information on the public record in response to your last request.



An email received from Toby Barnett who recently visited Roseburg sent us a link to his video taken with a drone. You can go find the video on our City website at: <http://www.cityofroseburg.org/visitors/>.

Have a great weekend and I will see you at the Monday's Council Meeting.



Oregon

Kate Brown, Governor

Department of Veterans' Affairs

700 Summer St NE

Salem, OR 97301

800-828-8801 | 503-373-2085

www.oregon.gov/odva

April 21, 2015

The Honorable Tina Kotek, Speaker of the House
The Honorable Peter Courtney, Senate President
900 Court Street NE
Salem, Oregon 97301

Re: Update on Oregon Veterans' Homes

Dear Speaker Kotek and Senate President Courtney,

ORS 408.385, enacted in 2011, directs the Oregon Department of Veterans' Affairs (ODVA) to establish a third Oregon Veterans' Home in Roseburg in addition to the two facilities authorized by law in 1995. The statute also authorizes ODVA to seek federal grant funds from the United States Department of Veterans Affairs (USDVA) to help construct the facility.

As an update, ODVA submitted a USDVA State Home Construction Grant in 2012 to build a third veterans' home in Roseburg. To date, we have not received approval for the federal funding as USDVA has largely prioritized its annual construction budget to implement Life/Safety projects and renovations in existing veterans' homes over new construction projects.

Until federal funding is available for a third veterans' home, ODVA remains focused on standing up our second facility in Lebanon and continuing to provide the best in care at the Oregon Veterans' Home in The Dalles. With the recent approval by the Joint Ways and Means Committee, we will also be submitting a USDVA State Home Construction Grant this year to modernize and update our facility in The Dalles.

Also in 2011, the Legislature directed ODVA to contract for a study to review the landscape and needs of aging veterans across Oregon and funded the study this biennium. ODVA recently submitted to the Legislature a "*Nursing Care Facility Needs Assessment Report*" prepared by The Rede Group and Agnew Beck Consulting as a conclusion to the 2011 legislative direction. The full report is available at:

<http://www.oregon.gov/odva/INFO/docs/Pubs/ODVA%20Final%20Report.pdf>

The consultant's recommendations highlighted the estimated 1,800 Oregon veterans in skilled nursing care and high level strategies to ensure their needs are met both in our veterans' homes and in private and non-profit facilities across the state.

In addition to care provided in our facilities, we are working with partners to increase options for veterans to receive care in their community. There is currently legislation in Congress (Veterans Access to Extended Care Act – H.R. 1369/S. 739) that would give USDVA the authority to enter into Provider Agreements with not for profit and for profit skilled nursing facilities across Oregon.

This is an essential strategy given the realities of limited funding in USDVA construction budgets, the existing USDVA construction backlog, and the fact that we only reach about 62% occupancy for all existing licensed nursing beds in Oregon.

It also gives me great pleasure to share with you that Mary Jaeger joined ODVA's team this spring as our Aging Veteran Services Director. Mary previously served as the state's Long Term Care Ombudsman; she is a passionate advocate for seniors and will help us creatively and more broadly address veterans' needs not just in skilled nursing, but across the continuum of care for their health, wellness and economic security as they age.

As Oregon veterans, we are four generations strong and served in uniform here at home, on humanitarian missions around the world, and on the battlefield in five major wars. It is not lost on me that our veterans of Vietnam, Korea and World War II all stepped up to help catch and support me and my fellow recent veterans of Iraq and Afghanistan. There is no question that we will return the honor and stand up to serve the generations of veterans who came before us.

Thank you for your continued support of Oregon's veterans and please don't hesitate to reach out if we can answer any questions.

Sincerely,

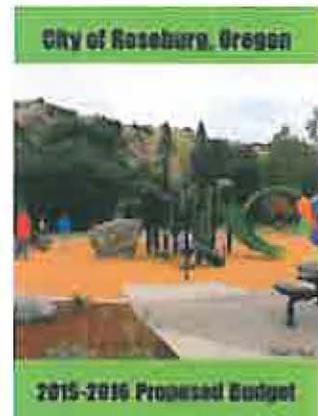
A handwritten signature in black ink that reads "C. Smith". The signature is written in a cursive, slightly slanted style.

Cameron Smith
Director

Friday May 1, 2015

Good Friday afternoon everyone. It has been another very busy spring week. Thank you to all of you who were able to attend both the Council meeting on Monday evening and the first Budget Committee meeting on Tuesday. This is a very important part of our transparency in government process. Each year as we go through the budget cycle, it allows us to get public input and vet the operational and capital budgets with our Budget Committee and the community through the media coverage it generates.

The all funds budget of about \$58 million includes roughly \$28 million in operational expenditures, just under \$8 million in capital outlay/improvements and almost \$17.5 million in contingency/reserves/ending fund balances. There is an additional \$4.6 million budgeted in the Urban Renewal Agency for capital projects as well. For the most part the budget is status quo with a slight increase in our Community Development FTE to accommodate a new half time compliance position and the return to full-time of the office secretarial position. The General Fund is up slightly but fits nicely within our new six year forecast model that includes the completion of our current Urban Renewal Plan that expires in September 2019.



Tuesday we opened proposals for engineering services for an upcoming 2016 project relating to the design of Parrott and Spruce Streets just south of Oak Street then running south to Mosher Avenue. The project will provide for much improved access into this south Roseburg area and clean up a section of street that has been in need of improvement for many years. This Urban Renewal funded project is included in the CIP and will likely begin in late spring of this fiscal year and be completed in summer of 2016. We received three proposals that will be evaluated by staff and then forwarded to the Public Works Commission.

Wednesday John VanWinkle, Sergeant Jeff Eichenbusch, Officer George Sheppard, Police Intern Travis Bateson and I attended the UCC "Career after College" event held at the student center. UCC provides a great opportunity for local students to invest in educational opportunities that translate into jobs both in the private sector and in local government. They continue to offer programs in law enforcement, fire science, EMT and engineering that can translate directly into local government work areas. By participating this week and following up with the Administration at the college we can hope to provide input into the essential and program enhancements that may allow local students to be more competitive.

Thursday the Public Works Commission met to review the bids for the Oak/Washington project. The project, which includes five different funding sources including Water, Storm Drainage, Street Light/Sidewalk, Urban Renewal and Roseburg Urban Sanitary Authority, has been included in the proposed budget after inclusion in the five-year CIP. This project has been through almost two years of development. We received two bids from contractors that met our pre-bid qualifications and the difference in the bid price is less than 0.2% on about a \$2 million project. As outlined above, the \$2 million includes the street scape that we spent most of the time designing as well as new lighting throughout much of downtown, sidewalk work, waterline replacement and work for RUSA that will be paid through a contract with the City. The Commission unanimously recommended that Council award the contract to the lowest responsible bidder, Brown Construction. Staff advertised the notice of intent to award today. The Commission also recommended the "construction management" work on the contract be contracted with i.e. Engineering who did the preliminary study and design work. Given how busy this construction season is shaping up to be, we cannot devote our staff time to full-time inspection on this project. We are look forward to starting on what we anticipate will be a signature project for our community.

We opened bids this week on the Stewart Park bike trail project as well. We received three bids with the lowest responsible bid from Knife River. The bid amount of about \$118,000 is within the amount you approved for the supplemental budget Monday night and we anticipate they will be able to get started soon after they receive our notice to proceed. The project is on the next Parks Commission agenda to consider a recommendation to Council which would come at your May 11th Council meeting. Staff is working on the redevelopment design for the bike path/walking trail in Charlie Gardner Park as well. This trail project is included in the Urban Renewal CIP and will likely be constructed during the next fiscal year.

I sent out a link to information on the PERS legislation Supreme Court decision earlier in the week. The decision upheld a very small financial component of the 2013 legislation but overturned the COLA provisions which were the significant cost savings component of the legislation. The decision will be very costly for government employers in Oregon and will certainly have budget impacts in the future. It is unclear at this point whether PERS will adjust rates right away in July of 2015 or wait until the next actuarial period which will impact rates beginning in July 2017 which appears more likely at this point. I will be attending an employer group meeting at the PERS office in the next week or two once they have had an opportunity to analyze the Supreme Court decision and will provide you with an update once we have better information.

Have a great sunny weekend everyone. It doesn't get any better than Roseburg in the spring time!

Stewart Park Multi-use Path Renovation

 = New Alignment
 = Old Alignment

