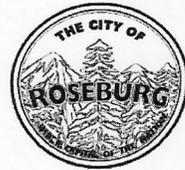


# ROSEBURG CITY COUNCIL AGENDA – MAY 10, 2021



5-6-2021

## Electronic Meeting

### Public Access:

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

Facebook Live at [www.Facebook.com/CityofRoseburg](http://www.Facebook.com/CityofRoseburg)

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

## 7:00 p.m. Regular Meeting

### 1. Call to Order – Mayor Larry Rich

### 2. Pledge of Allegiance

### 3. Roll Call

Beverly Cole

Bob Cotterell

Sheila Cox

Alison Eggers

Sheri Moothart

Brian Prawitz

Patrice Sipos

Andrea Zielinski

### 4. Mayor Reports

A. National Public Works Week Proclamation

### 5. Commission Reports/Council Ward Reports

A. City Councilor Resignation – Sheila Cox. Ward 2

### 6. Special Presentation

A. Umpqua Economic Development Partnership Annual Report

### 7. Audience Participation –In Person via Zoom/See Information on the Reverse

### 8. Consent Agenda

A. Minutes of April 26, 2021 Meeting

### 9. Ordinances

A. Ordinance No. 3554 – Amending RMC Title 12 Land Use Regulation Text Amendment, File No. LUDR-21-001 – Mobility Standards, Second Reading

B. Ordinance No. 3555 – Solid Waste Flow Control, Second Reading

C. Ordinance No. 3556 – Amending RMC Title 8 – Traffic, First Reading

D. Ordinance No. 3557 – Granting a Gas Utility Franchise to Avista Corporation, dba Avista Utilities, First Reading

### 10. Department Items

A. Annual Fee Adjustment Information

### 11. Items from Mayor, City Council and City Manager

### 12. Adjourn

### 13. Executive Session ORS 192.660(2)

### Informational

A. City Manager Activity Report

## **AUDIENCE PARTICIPATION INFORMATION**

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

**To provide comment during virtual meetings, contact the City Recorder by phone (541-492-6866) or email ([info@cityofroseburg.org](mailto:info@cityofroseburg.org)) by 4:00 p.m. the day of the meeting. Provide your name, address, phone number and which item on the agenda you wish to speak. You will then be provided with a link and phone number to the Council meeting. Log or call in prior to the start of the meeting using the link or phone number provided.**

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

**Persons addressing the Council must state their name and 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 not have been previously presented to Council.

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

### **CITIZEN PARTICIPATION**

Anyone wishing to speak regarding an item on the agenda may do so when Council addresses that item.

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

### **PROVIDING COMMENTS**

If you join the meeting via Zoom, please select the “raise hand” button when the Mayor calls for speakers. You will be moved out of the “waiting room” to speak. After you have provided your comments, you will be moved back into the “waiting room”.

If you join the meeting on the phone number you provided to the City Recorder, you will be brought into the meeting to speak when the Mayor calls for speakers, then moved back to the “waiting room”.

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

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

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

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

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

# PROCLAMATION

CITY OF ROSEBURG, OREGON

## National Public Works Week

**WHEREAS:** Public Works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Roseburg; and

**WHEREAS:** These infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment, public buildings, and other structure and facilities essential for our citizens; and

**WHEREAS:** It is in the public interest for the citizens, civic leaders and children in Roseburg to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in our community; and

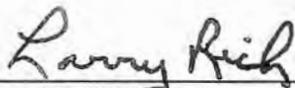
**WHEREAS:** The year 2021 marks the 61<sup>st</sup> annual National Public Works Week sponsored by the American Public Works Association.

**NOW, THEREFORE,** I, Larry Rich, Mayor of the City of Roseburg, Oregon, do hereby proclaim the week of May 16-22, 2021 as

## National Public Works Week

and urge all citizens to join in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety and quality of life.

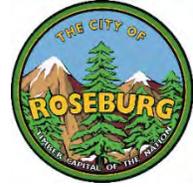
**DATED** this 10th day of May 2021.



Honorable Mayor Larry Rich



# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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## CITY COUNCIL RESIGNATION – SHEILA COX, WARD 2

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**Meeting Date:** May 10, 2021  
**Department:** Administration  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

**Agenda Section:** Council Reports  
**Staff Contact:** Amy L. Sowa, ACM/City Recorder  
**Contact Telephone Number:** 541-492-6866

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### ISSUE STATEMENT AND SUMMARY

City Councilor Sheila Cox resigned her position on the Council effective May 3, 2021. 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 1.

### 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 their 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/Resource Considerations. n/a**

**D. Timing Considerations.**

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

**COUNCIL OPTIONS**

Council may:

1. 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, City's website and social media accounts.

Staff recommends that applications be accepted until June 8, 2021. Interviews could then be conducted during June 14, 2021 Council meeting.

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

**SUGGESTED MOTION**

***"I MOVE TO ACCEPT SHEILA COX'S RESIGNATION WITH REGRETS FROM THE CITY COUNCIL, TO DECLARE CITY COUNCIL POSITION 1 IN WARD 2 AS VACANT AND DIRECT STAFF TO SOLICIT APPLICATIONS FROM PERSONS INTERESTED IN FILLING SUCH VACANCY."***

**ATTACHMENTS:**

n/a

# 2020 ANNUAL REPORT

PRESENTED BY  
WAYNE PATTERSON,  
EXECUTIVE DIRECTOR



UMPQUA ECONOMIC DEVELOPMENT  
**PARTNERSHIP**

# Wayne Patterson

## UEDP Executive Director

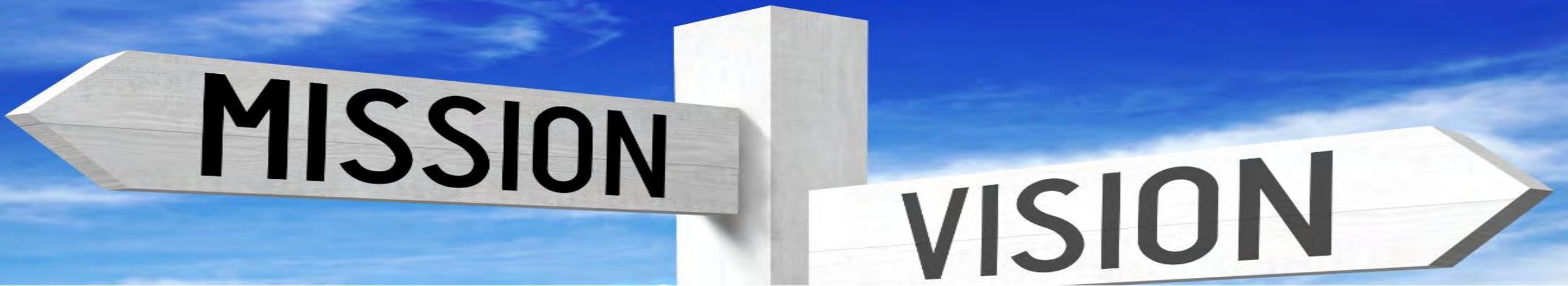


To Roseburg City Council,

Sorry for the delayed 2020 report. COVID created meeting delays for us, and then I had knee surgery. We will be back to normal reporting for 2021.

Our 2020 year started off with a bang in January, having our largest GrowthTalks event with almost 150 people in attendance. Pitch Night happened in February where 6 people came to pitch their startup business idea in front of 3 judges. They get 5 minutes to pitch, 5 minutes of Q&A, and at the end of the pitches \$1000 is given away to the best idea to help them get started. Our Judges for the February event were Doug Feldkamp from Umpqua Dairy, Tim Allen from Tim Allen Equipment and myself. The winner was D.A.D.'s Tools, a father and son team who has developed a concrete finishing tool. We had planned a Roseburg high school version of Pitch Night where high schoolers would pitch against each other, but COVID came and shut down our ability to do this.

Once COVID hit us in March, UEDP worked from home and followed State and local direction. Since in person meetings were shut down, we all spent a lot of time learning Zoom and did our best to focus on important meetings that supported ongoing projects. See highlights below for our project list.



## **MISSION**

To develop and grow our workforce to meet the needs of local employers as well as to partner in the expansion of workforce housing.

To foster a new generation of youth with a focus on career paths and young entrepreneurs with an ambition to launch new businesses.

To bring new people to our communities to experience The Great Umpqua so they will, in turn, want to move here and businesses will follow. To create a new Douglas County Brand that builds a bridge into our future.

## **VISION**

UEDP is a nonprofit economic vitality organization devoted to attracting, retaining and expanding businesses and developing a highly skilled workforce.

To enhance the economy and quality of life here in Douglas County

# STRATEGIC PLAN INITIATIVES

- **K12/UCC**
- **ENTREPRENEURIAL DEVELOPMENT**
- **WORKFORCE**
- **EVENTS**
- **BRANDING DOUGLAS COUNTY**
- **RETENTION, RECRUITMENT, EXPANSION**

# *facilitator*



Definition of facilitator: someone or something that facilitates something  
especially: someone who helps to bring about an outcome (such as learning, productivity, or communication) by providing indirect or unobtrusive assistance, guidance, or supervision

# HIGHLIGHTS OF 2020

- On January 22, the kickoff party for GrowthTalks took place in the Backside Brewery Co. warehouse, where 150 people were in attendance.
- Our second Pitch Night took place on February 19, 2020. Six applicants pitched. Dale and Devon Dickson, a father and son duo from Oakland were the winners. They pitched their new, innovative tool made to make concrete finishing a lot easier. They took “the big check” home that will allow them to bring their exciting new product to market.
- On March 16, in response to the COVID-19 pandemic, the Partnership staff decided to work remotely. Initially, we sent out weekly COVID-19 emails to our 1,200 subscribers. Due to the ever-changing nature of information surrounding COVID-19, we decided to stop these emails and compile a list of COVID-19 resources for businesses in Douglas County instead. We posted this list on our website.
- We also worked with Business Oregon to provide PPE to local businesses and organizations. Many of our local businesses came in to pick up needed PPE and supplies-- plus we delivered to anyone who was unable to come in.
- On May 12, the Partnership released a survey to the Douglas County business community to assess the effects of COVID-19 on our county and local economy.

# HIGHLIGHTS OF 2020

- **Sutherlin Sewer Line:** Sewer line will support new development along Hwy 99. Approved by DCIDB and is now being worked on by the City of Sutherlin.
- **Executive Housing:** Still in discussion on timing for this project but have an investor.
- **South Umpqua Valley Industrial Park:** An agreement is now finalized with the county and private sector to support the installation of the traffic light which has allowed for the commercial rezoning of the eight acres. There is interest from factories in other portions of the remaining county-owned land.
- **Career Pathway Baseball Cards:** We still have 1000's of the card packs but are waiting for school opening process to allow for distribution. If we can't get these out this school year, they can still be used for next year.
- **Backpack/ Allied Healthcare Certificate Program - 2020:** Over 408 students enrolled in the program's first year. Seven allied health certificates awarded and 516 college credits earned.
- **South County CTE Center:** On hold at this time.
- **Food Trail:** Anvil Northwest is now fully managing this project as the new DMO for the City of Roseburg.
- **Opportunity Zone Plan :** If requirements for opportunity zone investments relax, we will need a new plan for areas affected.
- **Douglas County City Managers Coalition :** Still ready to roll this out but we are waiting for social distancing to relax and for our city manager's to-do lists to lighten up.

# HIGHLIGHTS OF 2020

- **Childcare:** The Child Care Coalition continues to meet along with Business Champions for Success. Staffing continues to be the biggest challenge with childcare providers. Reopening for many is also a priority.
- **Homeless:** We continue to stand ready to help and support this much needed area of concern.
- **Workforce Housing:** This has been delayed due to COVID: We have been working with Kate Jackson from the Governor's Regional Solutions Team on developing a new sanitation district to support a new area of home development. This area could also have water supplied by a close city that has already offered this. We are also working with another city management team on other possible home building areas. Based on UEDP's housing sub-committee last year, the major obstacle in building lower cost housing for our workforce is land cost, so the idea is to develop lower cost land.
- **Mitigation Site and Credits:** This project is gaining speed with consultants and engineers now retained to complete applications for Oregon Department of State Land and U.S. Army Corp. of Engineers. We have an in-person meeting happening this next week.
- **Back 9:** Coca-Cola and Mahalo Heating and Cooling buildings are complete, and we are working with other's.
- **Food Hub/Agricultural Distribution Center:** Feasibility consultant was here in June. Project on hold.
- **Sutherlin Industrial Park:** Wetland mitigation credits, City and County contributions, investment dollars and a new businesses is now underway on the old airport site.

# HIGHLIGHTS OF 2020

- **Boutique Hotel:** On hold at this time but a location has been found.
- **Truck Driving School:** UCC has decided on a different site.
- **The Great Umpqua Events:** Douglas County Fairgrounds and PRA took over the Fourth of July event this year. With the COVID-19 pandemic, things quickly changed. Other July 4th events are unknown at this time. Cog Wild and Mudslinger Events have decided to cancel the 2020 mountain bike event. They have returned the grant funds to the City of Roseburg and will reapply in hopes of a huge 2021 event.
- **RAIN:** Still in discussion on timing of this project.
- **Food Hub:** The final assessment is now complete. A stand- alone food hub cannot not be sustained at this time. A lot of great information was put together and has tied together many different food resources. There is a lot of information in the final report and PowerPoint. If anyone is interested in reading this, please contact us and we will send it to you.

Thank you for continuing to support our work



We grow better, together.



**MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL MEETING  
April 26, 2021**

*ajs*

Mayor Rich called the regular meeting of the Roseburg City Council to order at 7:00 p.m. on April 26, 2021 electronically via Zoom in Roseburg, Oregon. Councilor Zielinski led the Pledge of Allegiance.

**ROLL CALL**

**Present:** Councilors Beverly Cole, Bob Cotterell, Alison Eggers, Sheri Moothart, Brian Prawitz, Patrice Sipos and Andrea Zielinski.

**Absent:** Councilor Sheila Cox

**Others Present:** City Manager Nikki Messenger, Assistant City Manager/City Recorder Amy Sowa, City Attorney Jim Forrester, Public Works Director Brice Perkins, Community Development Director Stuart Cowie, Finance Director Ron Harker, Douglas County Public Works Director Scott Adams, i.e. Engineering Principal and Civil Engineer Alex Palm, and Management Assistant Koree Tate.

**HISTORIC PRESERVATION MONTH PROCLAMATION**

Mayor Rich proclaimed May 2021 as Historic Preservation Month and called upon the people of Roseburg to join their fellow citizens across the United States in recognizing and participating in this special observance. Mr. Cowie accepted the proclamation and said it was nice to celebrate the historic nature of the community. The City has four distinct historical districts and each had a historical character about them. He was accepting the proclamation on behalf of the Historic Resource Review Commission. Mr. Cowie said it was nice to have this recognized each year and to have people care about the historical significance of structures in town.

**EMS WEEK PROCLAMATION**

Mayor Rich proclaimed the week of May 16-22, 2021 as Emergency Medical Services Week with the theme, "This is EMS: Caring for our Communities," and encouraged citizens to observe this week with appropriate programs, ceremonies and activities. Thomas Krokoski, Operations Manager and Rodney Blake, Clinical Manager for Umpqua Valley Ambulance accepted the proclamation. Mr. Krokoski said it had been a pleasure providing service to the City over the last six years, and looked forward to the continuation of service to the community.

**BIKE TO SCHOOL DAY PROCLAMATION**

Mayor Rich proclaimed May 2021 as National Bike and Bicycle Safety month with the week of May 4<sup>th</sup> as Walk and Bike to School Week and Friday, May 21<sup>st</sup> as Bike to Work Day and urged citizens to support bicycling, to participate in the events planned and urged all road users to share the road safely with bicycles. Gavin Pike, Safe Routes to School Program Assistant with Douglas ESD, accepted the proclamation. He was representing the active lifestyle community that included organizations like Blue Zones and the Umpqua Velo Club. Bicycle education was a vital aspect to a healthy and active lifestyle in the Umpqua Valley. Declaring May as Bike Month resounded with the citizens in Roseburg and all other areas of the County. Umpqua Velo Bike Rides happen every Tuesday evening at 6:00 p.m. and any person is able to participate.

### BLUE ZONES DAY PROCLAMATION

Mayor Rich proclaimed May 1, 2021 as Blue Zones Day and encouraged all citizens of Roseburg to unite as a community in showing our pride for creating a more livable, vibrant and healthy future where we can all thrive together. Jessica Hand, Executive Director for Blue Zones Project, accepted the proclamation. Achieving this recognition as a Blue Zones Certified Community puts a national spotlight on the Umpqua Valley. It signified that as a region, they were coming together to improve well-being and becoming more resilient even through challenging times. This signified four years of exemplary commitment and hard work from leaders, businesses, organizational partners, local government along with thousands of individuals who participated in the initiative. This was the first year for a Blue Zone's Day and an invitation to the full community to celebrate the progress and making Umpqua Valley a place to be healthy and live longer. Saturday, May 1, 2021, Ms. Hand asked people to wear their Blue Zones t-shirt or obtain one from their office or events to come together and show community pride.

### MAYOR REPORTS

Mayor Rich reminded Council of the first Budget Committee meeting scheduled electronically via Zoom on May 11, 2021 and to alert Ms. Tate regarding budget meeting documents for pick-up or delivery options.

### COMMISSION AND WARD REPORTS

Councilor Cole had a Historic Resource Review Commission Meeting on April 21, 2021 with a public hearing regarding a property at 910 SE Washington Avenue to propose reconstructed access and brick on an existing historical building downtown. The Commission recommended approval of the project.

Councilor Prawitz had an Economic Development Commission Meeting on April 13, 2021 and received an update for a Community Development Block Grant, hotel/motel tax and a quarterly review from Anvil Northwest. The hotel/motel tax numbers were higher than anticipated for the end of March 2021, which provided encouragement the industry was doing well. He suggested the "Between Two Rivers" YouTube video that Anvil Northwest created and hoped others would share the information with family and friends.

Councilor Zielinski had a Library Commission Meeting on April 20, 2021 and received updated monthly statistics, programming information, renovations update, grant information and heard about the summer reading program. The library had many exciting updates occurring inside and looked forward to when they could reopen so the public could see the renovations. There was a current Roseburg Reads community book project available about an impactful story that was available on the Library website and would be able to meet the author at a later time for a book discussion.

Mayor Rich had a Homeless Commission Meeting on April 26, 2021 and received a Community Homelessness Needs Assessment presentation by Rogue Retreat, and an update from Commission Member Mike Fieldman regarding the HB2004 funds. Rogue Retreat was in Roseburg to interview as many people as possible while reviewing the area and looking at resources. In order to prepare for a Navigation Center and Shelter, they determined to create

subcommittees to address current and immediate needs while finding a location and group to run the shelter.

### SPECIAL PRESENTATION – SOLID WASTE FLOW CONTROL

Ms. Sowa explained Scott Adams, Douglas County Public Works Director, was present to provide more information for a solid waste flow control ordinance. Mr. Adams stated the City of Roseburg had a flow control ordinance and the proposal was to make modifications more in line with what Douglas County had in place. Douglas County had only been charging for solid waste for the last six years. The landfill was an enterprise fund with a financial insurance that covered the landfill closure and post closure cost. The County had to make payments when the landfill closed and the fees collected now would help cover the cost in the future. Unfortunately, they started late in the process to bolster the account for the future closure, and were working to extend the life of the landfill to try to draw the payment process as long as possible.

Mr. Adams noted that flow control was realistically a legal provision to allow the cities and counties financial viability with the community to help them make sure the solid waste program was good now and in the future. Flow control in Douglas County was certified and regulatory. They were exploring other options, but were not forcing businesses to take refuse out of the area. Post closure of the transfer station could last thirty or more years, and they wanted everything to work well for the next generation. Since the first discussion with Council, the County updated the franchise agreement with Roseburg Disposal. The County had been working on ideas, solutions and hoped to export solid waste in the future.

Ms. Messenger explained the current ordinance required anyone in the City to take the solid waste to the landfill, but what was being discussed provided another option. They could pay the flow control fee and take it to another DEQ approved location. Locally, a small price was charged to place in an account to use later when the landfill had to close. Most regional facilities had a lower commercial rate than Roseburg. Most cities in the County had moved forward with a similar ordinance. Mr. Adams added many signed an Intergovernmental agreement or an ordinance. Mayor Rich provided an example of the trash hauler in Toketee who discovered it was closer for them to take their solid waste to Medford rather than Roseburg. Mr. Adams explained that during the Forest Fires, Highway 138 was closed, so Toketee had to find an alternate location and discovered it was cheaper to use the Medford location. The County set up an export fee after that issue and continued to use the other facility. In response to Mayor Rich, Mr. Adams explained that if Douglas County exported 25% of solid waste it could extend the transfer site up to twenty-two years. Another thought was to export refuse and general waste and only accept construction waste to change the type of chemistry in the landfill to lower chemicals and leche.

Councilor Prawitz summarized the concept seemed simple, \$94 a ton to use the Douglas County Landfill or take it elsewhere and pay the smaller \$15 a ton fee to extend the life of the landfill. He did not understand why the City needed to be part of the conversation when it was a County facility, County land and questioned why it was necessary to look at an ordinance. Ms. Messenger explained the franchise did not cover Roseburg Disposal in the City of Roseburg, but the license does. The City ordinance language said they had to take it to the landfill, and by changing the ordinance, it allowed them to use other options. They also had to currently take refuse to a landfill the City Recorder approved. She did not think that should be

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a responsibility for the Recorder to approve alternate dumpsites. The ordinance change would take the City out of the equation and let haulers use other locations if preferred. Councilor Cotterell discussed the option of changing the license with Roseburg Disposal to allow them the option of going where they want. He felt like this situation was over-regulating business and charging them to do that. He knew there had to be payment for the transfer station, but it did not seem logical to charge someone money to not use the service and go elsewhere to also pay. Mayor Rich added that if Roseburg was \$94 a ton, Medford was \$30 a ton and a person had to pay \$15 a ton to use Medford, they could still save money. Mr. Adams noted the rate mentioned by Mayor Rich was close to that fee and Lane County was a little higher. Coos County and Bandon all exported their material to White City. Many other areas were already utilizing the concept brought forward to Council. He was looking to communities to share with the County the responsibility to help extend the life of the landfill. Mayor Rich added it seemed nice for haulers to be able to have a choice.

### AUDIENCE PARTICIPATION

Jessica Atherton, 1131 Abraham Avenue in Winston, discussed the issue of a housing shortage in Douglas County. She suggested options to help such as new housing trust funds, affordable housing loan funds, public/private partnerships, protections against rent hikes, building permit relief and other options to encourage contractors to come to the area. She voiced concerns about Oregon being one of the top lumber producing states in the country, but it did not appear anything was being done to help alleviate shortages. At today's prices, there were not enough homes on the market to view without it being pending within a few hours. She asked for assistance on a local level to help the many families in need of a home. Mayor Rich suggested a follow up conversation with Mr. Cowie to address the items discussed.

### CONSENT AGENDA

Councilor Cotterell moved to approve the following Consent Agenda items:

- A. Minutes of April 12, 2021 Work Study Meeting
- B. Minutes of April 12, 2021 Regular Meeting
- C. OLCC Off-Premises License Application – Ridgeway Market located at 1800 NW Garden Valley Boulevard in Roseburg, Oregon

The motion was seconded by Councilor Moothart and approved with the following vote: Councilors Cole, Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one voted no.

### PUBLIC HEARING – AMENDING RMC TITLE 12 LAND USE REGULATION TEXT AMENDMENTS, FILE NO. LUDR-21-001 – MOBILITY STANDARDS

Mayor Rich explained the Public Hearing was to discuss amending Roseburg Municipal Code Title 12 Land Use Regulation Text Amendments for File No. LUDR-21-001 – Mobility Standards. Mayor Rich opened the Public Hearing at 7:53 p.m. Mr. Cowie reported that Section 12.06.020(C) of the Roseburg Municipal Code required developers to submit a Traffic Impact Study (TIS) to accompany a proposal for development such as a new commercial building or housing development. A TIS was a document prepared by a traffic engineer who studied the operational characteristics of any intersection that might be negatively affected by future traffic impacts because of development. The goal of the TIS was to evaluate whether a particular intersection was operating below the mobility standard set by the City.

The traffic mobility standard referred to a value or measurement, which represented the movement of traffic at an intersection. In a TIS, the intersection mobility standard must meet the threshold or targets set by the City to help measure the efficiency of an intersection. If a TIS determined that a particular development would cause an intersection to exceed the mobility standard, it must recommend improvements such as traffic signal upgrades or roadway upgrades such as turn lanes, medians, or other traffic calming measures to keep the intersection at or below the mobility standard. The mobility standard helps the City maintain levels of acceptable congestion on a given street. There were two mobility standards the City utilized, Level of Service (LOS) and volume/capacity ratio (V/C). LOS was a letter value that was assigned to measure the performance of an intersection. For example, LOS A, B, and C indicated conditions where traffic moved without significant delays during the peak hour travel demand (i.e. "rush hour"). Traffic gets progressively worse through LOS D and E and finally, LOS F represents conditions where delay had become excessive and demand had exceeded capacity. An example of LOS F would be a signal needing two or more cycles to clear an intersection. V/C ratio was a numerical measurement of how close to capacity a roadway was operating. For example, a V/C ratio of 0.75 means the roadway was using 75% of its capacity. This meant that there was enough space for a 25% increase in volume before there were negative impacts such as traffic delays, bottlenecks or "traffic jams."

Mr. Cowie explained that current regulations called for different mobility standards to apply based on roadway classification. Based on the recommendations from the TSP update, the City requested to allow an increase of 5% to the capacity threshold for Collector streets and a 10% increase to the capacity threshold for Arterial streets. Equally, LOS would allow for a few more seconds of delay at signalized intersections before requiring efficiency upgrades. The 2019 TSP update recommended that the City of Roseburg mobility targets be consistent across the City by utilizing a dual standard based on V/C ratios and LOS. City streets shall maintain a LOS of "E" and V/C no worse than 0.95 during the peak hour of the day. For roadways that were under ODOT or Douglas County jurisdiction, the mobility targets of those agencies apply, unless no other mobility target had been adopted. It was anticipated that over time, intersections such as Garden Valley Boulevard at Stewart Parkway or Stephens Street would become increasingly more congested. With new development and increased employment opportunities, streets must accommodate more vehicles. However, adding more capacity (more lanes, raised medians, eliminating existing access points, etc.) may not be cost effective or practical. Those code amendments ultimately helped to balance reasonable traffic congestion with significant capacity improvements. Adjusting this balancing point would help the City to more effectively promote future development, while ensuring reasonable traffic expectations for citizens as they navigate City streets.

Mr. Cowie continued that RMC Section 12.10.020(F)(2) contained the criteria by which a proposed text amendment must be evaluated. The criteria indicated the proposed amendments must be consistent with the policies of the City's Comprehensive Plan, the Statewide Planning Goals, and other provisions of the Municipal Code. He submitted signed Findings of Fact and Order provided by the Planning Commission that indicated the proposed amendments were consistent with the criteria. Adoption of the proposed amendments would help to make the Roseburg Municipal Code consistent with the updated TSP, which served as an appendage to the Roseburg Comprehensive Plan adopted by Council in February of 2010.

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Alex Palm, i.e. Engineering Principal and Civil Engineer, explained he dealt with the RMC Chapter 12 on a daily basis because it affected every project in the city. There were several key intersections that were on the verge of being on the V/C ratios and level service "D", which would be problematic. Council was not asked to approve anything causing traffic jams or gridlocks, but rather it represented a small window that was not seen every day, but could be seen a dozen times a year. The development of traffic impact was high and needed to be lower for economic growth in Roseburg. In his profession, he was asked about undeveloped buildings or parcels and explained it was because some were at the max level and many people or business could not afford extensive road improvements. This proposed change made the step in the right direction. In response to Mayor Rich, Mr. Cowie and Mr. Palm confirmed this would take all streets to a 0.95.

In response to Councilor Prawitz, Mr. Cowie explained the vehicle miles traveled (VMT) did not fit the area in his opinion and was more for metro areas. Mayor Rich asked for the example of the intersection by BiMart. Mr. Cowie stated it was at a level "D" due to current requirements. Mr. Palm said every major intersection along Garden Valley was at 0.85 or was very close. If a medical education college were to be developed in Roseburg, there would be a high likelihood of it pushing roads to a higher level so this change opened the window to bring that facility to Roseburg. Ms. Messenger added Stewart Parkway was an example of growth from changes to the road and walkability. Councilor Eggers said this seemed like a good option for development in the area. As no one else wished to speak, Mayor Rich closed the Public Hearing at 8:12 p.m.

Councilor Cotterell moved to adopt the Findings of Fact and Order approved by the Planning Commission for File No. LUDR-21.001. The motion was seconded by Councilor Eggers and approved with the following vote: Councilors Cole, Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one voted no. Council agreed to continue with a first reading of Ordinance No. 3554. Ms. Sowa read Ordinance No. 3554, entitled, "An Ordinance Amending Section 12.06.020(C) of the Roseburg Municipal Code Regarding Mobility Standards as Set Forth Herein," for the first time.

#### ORDINANCE NO. 3555 – SOLID WASTE FLOW CONTROL, FIRST READING

Ms. Sowa explained that Douglas County Commissioner Tom Kress reached out to City Manager Messenger earlier this year to discuss the option of a Solid Waste Flow Control ordinance. Gabe Forrester provided information regarding this ordinance during the January 25, 2021, Council meeting. Scott Adams, Douglas County Public Works Director, provided additional information regarding this subject during tonight's special presentation. Under the proposed ordinance, haulers who pick up waste in the County would have the option to dispose of the waste out of the area to a Department of Environmental Quality (DEQ) licensed site if it was more cost effective for the hauler. The hauler would still be required to pay \$15/per ton to Douglas County. If the hauler chose to dispose waste at the Douglas County landfill, the fee imposed would be \$94/ton. With this ordinance in place, the County would not dictate where a hauler took their refuse; it would be up to the hauler to determine which option was the most cost effective. Fees collected for solid waste exported outside the County would be allocated to pay for the future closure of the current landfill. Allowing haulers to take their waste to an outside location could help extend the life of the Douglas County landfill. The County had been researching other landfill options and was negotiating with DEQ to find the most cost effective way to move forward in the future.

The proposed ordinance would apply to haulers licensed by the City of Roseburg. Roseburg Disposal was currently licensed by the City and had recently entered into an updated franchise agreement with Douglas County. Councilor Cotterell said he could not support charging businesses because it would not be effective and ultimately passed on to customers to keep the transfer site open a little longer.

Councilor Prawitz asked what the negative effect would be if they chose to not pass the ordinance. Mayor Rich said it seemed that if they did not change anything then Roseburg Disposal could only use the Douglas County landfill. If Council made a change, they would have options and could choose where they wanted to go. Councilor Prawitz summarized that it appeared to give them a choice while the County still obtained payments from haulers to protect the landfill for a longer period of time. Ms. Sowa added haulers had a franchise agreement with Douglas County and when they collected solid waste outside city limits, they already had a choice to go where they wanted. Mr. Adams said they did not have a push for the determination of the option. Export fees were common in the industry from their research. In response to Councilor Eggers, Mr. Adams reported the years left for the landfill was a floating figure. Recycling changes hurt the system, but they were trying to figure out new options. Currently, they were looking at around 12 years left. Exporting would help give them more time to save money for the closure and post closure costs. It was a very truncated schedule.

Councilor Cotterell suggested a different option to allow Roseburg Disposal to negotiate with the City and take refuse anywhere they wanted without the \$15/ton fee. In response to Councilor Zielinski, Ms. Messenger confirmed the County imposed the fee, not the City. The County was in charge of the landfill and could impose high fees later on if decided. Councilor Cole was in favor of the ordinance change to allow Roseburg Disposal more options while extending the life of the landfill. Councilor Moothart was hesitant to approve of the change due to other factors such as drive time, wear and tear on vehicles, and limited CDL driving hours for example. She did not want to see more trash found in the woods because disposal fees were too high for customers. Mayor Rich noted the only one who could make the decision was Roseburg Disposal. They either pay the higher price locally or find a less expensive alternative. Ms. Messenger added another scenario that if the ordinance was not adopted, Roseburg Disposal could take all trash elsewhere causing the County to be forced to raise their fees and increasing customer amounts. Councilor Prawitz said he was not an expert on the topic, but knew they were trying to play catch up for having free transfer site service for so many years. His biggest concern was the impact on residents. Fees were already going up in July 2021, so now this was Roseburg's part to help manage the end of the landfill life. Councilor Prawitz ultimately saw this ordinance change as protecting the landfill and the contribution the city made for the garbage that was in it.

Council agreed to proceed with a first reading of Ordinance No. 3555. Ms. Sowa read Ordinance No. 3555, entitled, "An Ordinance Amending Chapter 9.20 – Solid Waste Management Services, of the Roseburg Municipal Code," for the first time.

#### STEWART PARKWAY BRIDGE END PANEL REPAIR PROJECT BID AWARD RECOMMENDATION – 19PW10

Mr. Perkins stated that in March 2019, the City contracted with OBEC Engineers for the design of repairs to address defective joints on the Stewart Parkway bridge end panels and to address

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settlement of the approach sidewalks adjacent to the bridge. The project was advertised for bids in June of 2020, and the bids were subsequently rejected. The project was re-advertised for construction bids on March 4, 2021, and bids were opened on March 30, 2021.

Four bids were received:

No.	Bidder	Total Bid Amount
1	HP Civil Inc.	\$343,739.25
2	Conway Construction Company	\$347,515.00
3	Legacy Contracting Inc.	\$362,819.25
4	Oregon State Bridge Construction Inc.	\$463,180.00
	<b>Engineer's Estimate</b>	<b>\$309,560.00</b>

HP Civil Inc. was from Stayton, Oregon and the project was going to split between this fiscal year and next. It was going to be impossible to work on a bridge without having traffic impacts. The contract was for ninety days, but the contractor could only impact traffic for a thirty day window in which detours would be in place. In response to Mayor Rich, Mr. Perkins confirmed the one southbound lane during the day except for a two-day window of night work. He did not want drivers to start using the green bridge more during the construction to come out by Stewart Park. If traffic became an issue, they would have to consider closing the bridge temporarily. A contract for construction management services had been negotiated with DOWL, LLC. (Formerly OBEC) in an amount not to exceed \$39,076.00. If awarded, the Notice to Proceed would be issued in May after execution of the construction contract. The contractor was allowed 90 calendar days to complete the project. The Public Works Commission discussed the project at their April 8, 2021, meeting and unanimously recommended awarding the project to the lowest responsible bidder, HP Civil Inc., for \$343,739.25.

Councilor Cotterell moved to award the Stewart Parkway Bridge End Panel Repair project to the lowest responsible bidder, HP Civil Inc., for \$343,739.25. The motion was seconded by Councilor Cole and approved with the following vote: Councilors Cole, Cotterell, Eggers, Moothart, Prawitz, Sipos and Zielinski voted yes. No one voted no.

ITEMS FROM MAYOR/CITY COUNCIL/CITY MANAGER

Councilor Cotterell asked if Staff could look at the Duck Pond's low water level to make sure nutria were not once again draining the ponds. He was concerned about the turtles, threatened species and wildlife in the area.

ADJOURNMENT

Mayor Rich adjourned the meeting at 8:40 p.m.

Korie Tate  
Management Assistant

**ORDINANCE NO. 3554**

**AN ORDINANCE AMENDING SECTION 12.06.020(C) OF THE ROSEBURG MUNICIPAL CODE REGARDING MOBILITY STANDARDS AS SET FORTH HEREIN.**

**WHEREAS**, after reviewing the recommendation of the Planning Commission after conducting a public hearing on April 5, 2021.

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

**SECTION 1.** Section 12.06.020(C) entitled "Traffic impact study." is hereby amended to read as follows:

1. A Traffic Impact Study shall be required based on anticipated negative significant traffic and safety impacts projected to be caused by the proposed development as determined by the Community Development Director after a recommendation from the Public Works Director.

Negative significant traffic and safety impacts may include, but not be limited to:

- a. An anticipated increase of at least five percent (5%) of the current traffic volume during the peak hour and at least 100 trips per day.
- b. Additional traffic and turn movement projected to result from the proposed development is projected to exceed the applicable volume to capacity ratio (V/C) and/or level of service (LOS) mobility standards:

<u>Street Functional Classification</u>	<u>V/C<sup>[1]</sup></u>	<u>LOS<sup>[2]</sup></u>
<u>Arterial, Collector and Local</u>	<u>0.95</u>	<u>E</u>

<sup>[1]</sup> City intersections shall be analyzed at a peak hour factor of 1.0.

<sup>[2]</sup> For roadways within the City of Roseburg that are under ODOT or Douglas County jurisdiction, the mobility standards of those agencies will apply.

- c. A significant capacity and/or safety problem is likely to be caused by or increased by the development.

2. When required, the TIS shall, at a minimum:

- a. Utilize a Scope of Work and an Analysis Methodology approved or accepted by the Community Development Director.
- b. Consider cumulative impacts of existing and proposed development in the study area.
- c. Include long-term impact (20-year) of the development in the context of the projected traffic environment at five-year increments.

d. Consider circulation and safety needs for pedestrians, bicyclists, and transit in addition to motor vehicles.

e. Extend the analysis coverage of the street system until the peak traffic impact becomes less than five percent (5%).

**SECTION 9.** All other Chapters, Sections and Subsections of Title 12 of the Roseburg Municipal Code shall remain in full force & effect as written.

**ADOPTED BY THE ROSEBURG CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

**APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

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

**ATTEST:**

\_\_\_\_\_  
**AMY L. SOWA, ASSISTANT CITY MANAGER/CITY RECORDER**

**ORDINANCE NO. 3555**

**AN ORDINANCE AMENDING CHAPTER 9.20 – SOLID WASTE MANAGEMENT SERVICES, OF THE ROSEBURG MUNICIPAL CODE**

**WHEREAS**, Roseburg Municipal Code Chapter 9.20 outlines requirements for Solid Waste Management Services in the City of Roseburg; and

**WHEREAS**, Douglas County enacted Ordinance No. 2017-07-01 commonly referred to as the Flow Control Ordinance, which requires disposal of solid waste by County franchisees only at facilities approved by the County and imposed certain reporting requirements on County franchisees; and

**WHEREAS**, the Douglas County ordinance will affect disposal companies who are licensed to serve customers within the City of Roseburg.

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

**SECTION 1.** Roseburg Municipal Code Section 9.20.050 titled “Operating requirements” relating to solid waste management services is hereby amended to read as follows:

**9.20.050 - Operating regulations.**

E. General Responsibilities. The holder of a license issued pursuant to this Chapter:

8. Shall dispose of solid waste at an authorized Department of Environmental Quality (DEQ) site or sites approved by the Douglas County Solid Waste Director or shall resource-recover such wastes, both in compliance with state law and this Chapter. Such approved sites may or may not be owned and operated by Douglas County or located within the geographic boundary of Douglas County. In addition, licensee shall agree as a condition of the license that the City Recorder may direct licensee to deliver all or a portion of collected wastes to an energy or materials recovery plant or facility to assure adequate minimum volume for that facility. This provision shall be liberally construed in the interests of promoting an energy or materials recovery plan or program adopted by or approved by the City or state. Furthermore, licensee recognizes the City's rights and interest to be paramount in solid waste for purposes of resource and energy recovery;

For waste disposed of at a Douglas County owned site, licensee shall pay the fees imposed by Douglas County. For waste exported to an approved disposal site not operated by Douglas County, the licensee shall pay Douglas County the Flow Control Fee and pay the disposal fees charged by the approved disposal site.

**SECTION 3.** “All other sections and subsections of Chapter 9.20 of the Roseburg Municipal Code shall remain in full force and effect as written.”

ADOPTED BY THE ROSEBURG CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

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

ATTEST:

\_\_\_\_\_  
AMY L. SOWA, ASSISTANT CITY MANAGER/CITY RECORDER

# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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## AN ORDINANCE AMENDING RMC TITLE 8 - TRAFFIC

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**Meeting Date: May 10, 2021**  
**Department: Community Development**  
**[www.cityofroseburg.org](http://www.cityofroseburg.org)**

**Agenda Section: Ordinances**  
**Staff Contact: Stuart Cowie**  
**Contact Telephone Number: 541-492-6750**

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### ISSUE STATEMENT AND SUMMARY

The purpose of this memo is to amend parking/traffic standards identified in RMC Title 8 – Traffic, as recommended in the Downtown Parking Assessment and Plan. Amending these sections will assist in developing a new parking program in the downtown area and Laurelwood neighborhood. Once developed a new third-party vendor will be hired to manage the new parking program.

### BACKGROUND

#### A. Council Action History.

April 27, 2020 – Council authorized termination of the Park Smart contract with the Downtown Roseburg Association.

March 22, 2021 – Council accepted the Downtown Parking Assessment and Plan.

#### B. Analysis.

On July 23, 2020, the City entered into a contract with Rick Williams Consulting to perform a parking assessment for the downtown area and Laurelwood neighborhood. On March 22, 2021, Council accepted the Downtown Parking Assessment and Plan. The plan outlines specific parking management strategies that could be implemented over an immediate, short-term, mid-term, or long-term timeframe. One of the immediate strategies included amending sections of RMC Title 8 to help facilitate a more successful parking program.

The amendments identified in draft Ordinance 3556 stem from the recommendations provided within the Downtown Parking Assessment and Plan. Below is a list summarizing the proposed code amendments:

- Add definitions including “Fee,” “High turnover parking stall,” “Long-term parking stall,” “Short-term parking stall,” “Time limited parking,” “Metered parking,” and remove definitions of “Taxicab stand” and “Downtown Parking District.”

- Amend the “City Manager powers” to enable a designee to perform duties, remove the ability to designate certain streets as bridle paths, and clarify parking enforcement regulations at the Roseburg Regional Airport.
- Remove language surrounding parking meters and their installation fronting historic structures.
- Remove language involving taxicab stands.
- Update code involving parking meter regulations concerning payment methods, time limits, and parking exemption permits.
- Further clarify delivery and service permits.
- Further clarify courtesy visitor permits.
- Remove Chapter 8.04 involving parking in the downtown parking district.

These amendments help to provide clarification and are designed to facilitate a more successful parking program. A significant section of the code amendments will include the removal of Chapter 8.04 involving parking requirements within the downtown parking district. The removal of this code criteria will help pave the way for new policy currently being developed that will be used to implement updated downtown parking standards. Using a policy document to implement new downtown parking standards instead of the municipal code allows for the policy to be revised rapidly in response to lessons learned, additional input from stakeholders, or unexpected developments. It is anticipated that this new policy will be presented to Council for approval shortly.

#### **C. Financial/Resource Considerations.**

Currently the City is performing limited parking enforcement within the downtown parking area. Parking permits have been issued in City-owned parking lots, but no other revenue is being generated through enforcement activity. Approving the proposed code amendments will help the City take one step closer to hiring a third-party parking vendor to implement new parking standards and in turn generate revenue necessary to carry out the parking program.

#### **D. Timing Considerations.**

The contract with Park Smart was terminated April 27, 2020. Since that time limited parking enforcement has occurred in both downtown and Laurelwood. Amending the code will help the City move forward with developing new downtown parking policy and ultimately hiring a third-party parking vendor.

#### **COUNCIL OPTIONS**

Council could choose to:

1. Proceed with first reading of the ordinance; or
2. Modify the proposed amendments and proceed with first reading; or
3. Decline to proceed with the first reading.

#### **STAFF RECOMMENDATION**

Staff recommends Council proceed with the first reading of Ordinance 3556.

**RECOMMENDED MOTION**

Proceed with first reading of Ordinance 3556. No motion is needed, only consensus to proceed with first reading.

**ATTACHMENTS**

Attachment #1: Ordinance 3556

**ORDINANCE NO. 3556**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 8 – TRAFFIC, OF THE  
ROSEBURG MUNICIPAL CODE**

**WHEREAS**, parking enforcement in the downtown area and Laurelwood neighborhood was performed by Park Smart, an organization operated by the Downtown Roseburg Association, through a parking enforcement agreement with the City entered into July 1, 2016.

**WHEREAS**, the City of Roseburg and the Downtown Roseburg Association agreed to terminate the parking enforcement agreement March 31, 2020; and

**WHEREAS**, the City of Roseburg solicited a request for proposal (RFP) in the spring of 2020 for a consultant service to perform a parking assessment of the downtown area and Laurelwood neighborhood; and

**WHEREAS**, the City entered into a contract with Rick Williams Consulting on July 23, 2020, to complete a parking assessment of the downtown area and Laurelwood neighborhood; and

**WHEREAS**, the City Council was presented the Downtown Parking Assessment and Plan March 22, 2021, and voted to accept the plan as presented by Rick Williams Consulting and City staff; and

**WHEREAS**, the Downtown Parking Assessment Plan recommends updating portions of the parking code as provided in Title 8 of the Roseburg Municipal Code.

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

**SECTION 1.** Roseburg Municipal Code Section 8.02.005, "Definitions" is hereby amended to read as follows:

8.02.005 - Definitions.

In addition to those definitions contained in the adopted sections of the Motor Vehicle Laws of Oregon, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

"Bicycle" means every device propelled by human power upon which any person may ride, having two or more tandem wheels either of which is over ~~twentyfourteen~~ inches in diameter.

"Bus stand" means a fixed area in the roadway adjacent to the curb to be occupied exclusively by buses for layovers in operating schedules or waiting for passengers.

"Curb" means the extreme edge of the roadway.

~~"Downtown Parking District" means that part of the City inside the area having boundaries on the north by Douglas Avenue, on the south by Lane Street, on the west by~~

~~mid-block between Rose and Stephens Streets and on the east by mid-block between Main and Kane Streets; including the northwestern corner at SE Stephens Street and SE Cass Avenue, more particularly described as Tax Lot 12300.~~

“Fee” means the dollar amount to be charged to park in metered or permitted parking as outlined in the fee schedule.

“High turnover parking stall” means any parking stall signed or metered for stays of less than one (1) hour.

"Loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials or freight.

“Long-term parking stall” means any parking stall signed or metered for stays of more than four (4) hours.

“Metered parking” means any time limited parking stall or parking area where use of parking is limited by a posted maximum time allowance and requires payment of a stated fee for use, to include but not limited to coin, credit/debit card or virtual payment (on-line payment or data base record).

"Park" or "parking" means the standing of a vehicle, whether occupied or not, except when a vehicle is temporarily standing for the purpose of and while actually engaged in loading or unloading.

“Parking permit” means a document, card, hang-tag, sticker or chip for display in a vehicle, as well as virtual (data base record), showing the driver of the vehicle has permission to park in a designated area for specific periods of use (e.g., hours, day(s)).

"Passenger loading zone" means reserved only for the loading or unloading of passengers and their luggage.

"Pedestrian" means any person afoot.

“Short-term parking stall” means any parking stall signed or metered for stays of one (1) to four (4) hours.

"Stand" or "Standing" means to temporarily stop a vehicle.

"Stop" means complete cessation of movement.

~~"Taxicab stand" means a fixed area in the roadway adjacent to the curb set aside for taxicabs to stand or wait for passengers.~~

“Time limited parking” means any parking stall or parking area where use of parking is limited by a posted maximum time allowance. Time limited parking may or may not require payment of a fee.

"Traffic lane" means that portion of the roadway used for the movement of a single line of vehicles.

**SECTION 2.** Roseburg Municipal Code Section 8.02.030, “City Manager powers” is hereby amended to read as follows:

8.02.030 - City Manager powers.

The City Manager or designee shall exercise the following duties by administrative actions:

- A. Implement the ordinances, resolutions and motions of the Council and the Manager's own orders by installing traffic control devices;
- B. Except as limited by Section 8.02.040, restrict the use of or parking on certain streets by any class or kind of vehicle to protect the streets from damage, preserve the character of the neighborhood, require turnover in parking spaces, establish clear vision areas or reduce traffic hazards;
- C. Authorize by permit or regulation greater maximum weights or lengths for vehicles using City streets than specified by State law where not deleterious to City streets or public safety;
- ~~D. Designate certain streets as bridle paths and prohibit bicycles, roller skates, in-line skates, skateboards, coasters, toy vehicles or other similar devices or horses and animals on other streets;~~
- ~~E~~D. Impose conditions upon which the streets and other public property may be used for parking;
- ~~F~~E. Establish, maintain, remove or alter the following classes of traffic controls:
  - 1. Traffic control signals;
  - 2. Crosswalks, safety zones and traffic lanes;
  - 3. Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns and the time when the prohibition applies;
  - 4. Parking areas and time limitations, including the form of permissible parking and any fees therefor. This authority does not include establishing parking meter zones or parking meter ~~rates~~fees;
  - 5. Loading zones; and
  - 6. Yield and stops for all vehicles.
- ~~G~~F. Cause a continual check to be made of traffic movement, congestion and accidents on the streets of the City, and after appropriate study, submit from time to time recommendations to the Council;
- ~~H~~G. Temporarily close to vehicular or pedestrian traffic any street, when in the Manager's opinion, it is necessary to do so because of an emergency or for the protection of lives, limb, public safety or property, or for the more expeditious movement of either vehicular or pedestrian traffic, or for special events of community interest, parades or construction in a street right-of-way. The City Manager shall cause to be placed and maintained during such temporary closure "No Parking," "No Walking," "Street Closed" or other appropriate directional signs; and
- ~~I~~H. ~~Adopt and e~~Enforce parking and traffic control regulations ~~at the Roseburg Regional Airport~~for all regulated parking areas or districts. Enforcement will include state laws and City ordinances regarding motor vehicle operations and all parking and traffic control devices ~~where parking is regulated, including the Roseburg Regional Airport~~at the Airport.

- Jl. ~~Adept~~**Implement** guidelines for when an unlawfully parked vehicle may be towed.

**SECTION 3.** Roseburg Municipal Code Section 8.02.070, "Limitation for historic structures" is hereby removed:

~~8.02.070 - Limitation for historic structures.~~

~~When installing parking meters in the public right-of-way, if the property abutting the public right-of-way appears on the National Register of Historic Places, the City Manager shall first notify the owner of the historic property and if the owner in writing objects to the installation and agrees to pay and faithfully pays the fees set by council resolution, parking meters shall not be installed immediately adjacent to the historic property. The minimum fee to be paid by an owner of such historic property located within the parking district, defined in Section 8.04.005, shall be equal to the fees and charges imposed on comparable property within the Downtown Parking District. Nothing in this Section shall limit the Council's authority to require the installation of parking meters upon appeal or otherwise.~~

**SECTION 4.** Roseburg Municipal Code Section 8.02.090, "General parking regulations" is hereby amended to read as follows:

8.02.090 - General parking regulations.

A. Private Marking Unlawful.

It is unlawful for any person to letter, mark or paint in any manner, any letters, marks or signs on any sidewalk, curb, street or alley, or to post on a parking strip, anything designed or intended to prohibit or restrict parking in front of any sidewalk, private residence, business or in any alley, except in compliance with the provisions of this Chapter.

B. Required Methods of Parking.

1. ~~Unless permitted by the Public Works Director, Police Chief or their designee,~~ **Unless permitted by the Public Works Director, Police Chief or their designee,** ~~No~~ no person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the curbside wheels of the vehicle within twelve inches of the edge of the curb, except where the street is marked or signed for angle parking.
2. No person shall stand or park a vehicle other than at the indicated direction.
3. Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front of, or too close to a building to which the Fire Department has been summoned, such person shall immediately remove such vehicle from the area unless otherwise directed by police or fire officers.

E. Bus Stops ~~and Taxicab Stands.~~

1. Buses ~~and Taxicabs.~~ The driver of a bus ~~or taxicab~~ shall not stand or park such vehicle upon any street in any business district at any place other than at a bus

~~stop or a taxicab stand, respectively. This provision shall not prevent the driver of any taxicab from temporarily stopping for the purpose of, and while actually engaged in, the loading and unloading of passengers.~~

2. Vehicles other than Buses ~~or Taxicabs~~. No person shall stop, stand or park a vehicle, other than a bus in a bus stand ~~or other than a taxicab in a taxicab stand~~, except that the driver of a passenger vehicle may temporarily stop for the purpose of, and while actually engaged in, loading or unloading passengers, when such stopping does not interfere with any bus ~~or taxicab~~ waiting to enter or about to enter such zone.

**SECTION 5.** Roseburg Municipal Code Section 8.02.100, "Parking meter regulations" is hereby amended to read as follows:

8.02.100 – ~~Parking meter regulations~~ Use of regulated parking.

- A. ~~Deposit of Coins~~ Payment for parking. No person shall park any vehicle in any metered parking space, except as otherwise permitted by this Chapter, without immediately depositing in the parking meter ~~adjacent~~ assigned to such space, such lawful ~~payment methods (to include but not limited to coin, credit/debit or virtual payment) or coins of the United States~~ as are required by such meter and as designated by directions on the meter, and when required by the directions of the meter unless the parking meter indicates at the time such vehicle is parked that an unexpired portion of the period for which a ~~payment coin or coins~~ has been previously deposited remains.

- B. Legal Time Limit. Except as otherwise permitted by this Chapter, no person shall park a vehicle or allow a vehicle to remain parked in any ~~time limited parking~~ parking meter space beyond the maximum time limit for parking in such space.

Continued parking beyond the single time limit for any meter parking space shall constitute a separate offense for each period or portion of a single time limit for any such meter parking space during which the vehicle remains so parked.

- C. Owner Responsibility. The registered owner on the records of the Department of Motor Vehicles is responsible for all parking violations issued by the City.
- D. Mechanical Defect. Any unintentional violation of any provision of this Chapter by reason of a mechanical failure of a parking meter is not an offense within the meaning of this Chapter.
- E. Collection Authority. It shall be the duty of the Finance Director to direct the collecting of all ~~coins~~ payment methods from parking meters.

- F. Parking ~~Meter~~ Exemption Permits.

1. Issuance. The Police Chief or the City's agent may issue parking ~~meter~~ exemption permits to contractors engaged in the construction, reconstruction or repair of a building or installation of equipment in a building adjacent to a street where ~~time limited parking meters are installed~~ is in place. Such exemption permits shall be issued only where available, including alleys which might be used or blocked off without interference with commerce, are not found reasonably close to the place where such persons are engaged and may

be issued for use of each particular construction job. The fees for a parking ~~meter~~ exemption permit shall be set by Council resolution. At termination of use, the exemption permit shall be returned to the Police Chief or the City's agent.

2. Use. Persons with a properly issued ~~hood~~parking exemption permit shall ~~have the privilege of placing the same~~ have the permit visibly displayed. ~~upon parking meters reasonably close to the place where they are engaged, thereby reserving~~ Display of such permit reserves such parking ~~meter~~ space while occupied for use by such person while actually engaged in the task for which the ~~hood~~parking exemption permit was issued.
3. Violation Prohibited. No person shall use a parking ~~meter hood~~exemption permit except for the purpose and period of time for which such ~~hood~~permit was issued.

**SECTION 6.** Roseburg Municipal Code Section 8.02.110, "Special parking permits" is hereby amended to read as follows:

8.02.110 - Special parking permits.

A. Disabled Person Parking Permit.

1. Privileges Granted. All of the following apply to the parking privileges granted to disabled persons under a disabled person parking permit other than a program placard described in ORS 811.607:
  - a. Subject to the limitations under the following Paragraph (b), the permit allows its holder, or another person while transporting its holder to or from the parking location, to exercise the following privileges:
    - (i) Park a motor vehicle in any public parking zone restricted as to the length of time permitted therein without incurring penalties imposed for overtime parking in such zones; ~~and~~
    - (ii) Park a motor vehicle in any public parking zone with metered parking without being required to pay any parking meter fee.;~~and~~
    - ~~(iii) Park for an unlimited amount of time within the Downtown Parking District.~~

B. Delivery or Service Permits.

1. The Police Chief or the City's agent may issue delivery or service permits to persons regularly using passenger-type vehicles for the delivery of service or delivery or pickup of merchandise. Upon proof of necessity, the Police Chief or the City's agent may also issue such permits for commercial-type vehicles, if such vehicles are performing an essential service. The fees for such a permit shall be set by Council resolution. No ~~time limited parking metered~~ space shall be used by any permit holder for any continuous period of time longer than the time provided on the ~~space~~meter in question. ~~Delivery and service permits may be used in the Downtown Parking District to allow parking for a maximum period of one hour. Delivery and service permits may also include a one-hour loading permit at the said fee for loading and unloading inside the Downtown Parking District established in Chapter 8.04.2.~~ No person shall use a delivery or service permit

for any purpose other than that authorized by the permit. Willful violation of these provisions will result in forfeiture of the permit and denial of future permits.

- C. Courtesy Visitor Permits. The City Manager may, at their discretion, make courtesy permits available to visitors of the City. Such permits shall be free **and limited to specific periods of use (e.g., hours, day(s))**. These permits, if properly displayed in accordance with the direction prescribed by the City Manager, shall authorize the permittee to park their vehicle without regard to time limits and without having to pay the ~~meter~~ fees in any parking space.

**SECTION 6.** Roseburg Municipal Code Section 8.02.140, "Regulations relating to recreational type devices or toy vehicles" is hereby amended to read as follows:

8.02.140 - Regulations relating to recreational-type devices or toy vehicles.

- A. Roller Skates, In-Line Skates, Skateboards, Bicycles and Other Devices. Excepting Police employees operating their bicycles in the course and scope of their duties, no person shall operate or ride upon, in or by means of, a bicycle, scooter, roller skates, in-line skates, skateboard, coaster, toy vehicle or other similar device in or upon any if the following areas:
1. Any public street or sidewalk in a manner dangerous to persons or property;
  - ~~2. Any sidewalk within the Downtown Parking District as defined in Chapter 8.02 of this Code;~~
  - ~~3.~~ 2. The off-street parking facility located at 555 SE Rose Street; or
  - ~~4.~~ 3. Any public or private property, driveway or parking area that is posted with a "No (name of prohibited device)" sign. Signs posted pursuant to this Subsection shall be posted at or near the boundaries of the area restricted in a visible location. Signs must be no smaller than 6" X 8" in dimension and must contain the words "No (name of prohibited device)".

**SECTION 7.** Roseburg Municipal Code Chapter 8.04, "Parking in Downtown Parking District" is hereby removed:

~~Chapter 8.04 - PARKING IN DOWNTOWN PARKING DISTRICT~~

~~8.04.005 - Definitions.~~

~~For purposes of this Chapter, the following words and phrases shall have the meaning set forth as follows:~~

- ~~A. "Attending school" means attendance for more than three hours per day:~~
- ~~1. At a school which is located in the parking district and which is accredited by the State of Oregon; or~~
  - ~~2. At any other instructional class within the parking district which provides academic, professional or job credits to attendees.~~
- ~~B. "Parking district" means the primary area and the secondary area.~~

~~C. "Primary area" means Downtown Parking District as defined in Chapter 8.02.~~

~~D. "Secondary area" means the area having boundaries on the north by Diamond Lake Boulevard, on the south of Mosher Street, on the west by the Southern Pacific Railroad tracks, and on the east by Fowler Street proceeding to the intersection of Douglas Avenue, then by the mid-block between Kane and Chadwick Streets proceeding to the intersection of Cass Street, then by Kane Street proceeding to the intersection of Lane Street, and then by Main Street proceeding to the intersection of Mosher Street.~~

~~8.04.010 Prohibition.~~

~~Except when allowed under Section 8.04.020, no person who is employed, or is a contract service provider, or is attending school in the parking district, or employs another or resides in the parking district shall park a vehicle on the public way in the parking district while in his place of employment, in his residence, or attending school, between nine a.m. and five p.m. on any day excepting Sundays and holidays.~~

~~8.04.020 Exceptions.~~

~~The following are exceptions to the prohibition in Section 8.04.010:~~

~~A. Parking a vehicle on a public way within the secondary area where there are no restrictions posted or parking meters installed. Restrictions include but are not limited to: "free parking," time limits, restricted use, permit parking, prohibited use;~~

~~B. Parking a vehicle on a public way under a rental agreement by the City or the City's agent;~~

~~C. The City Manager is given authority to grant exemptions to the prohibition contained in Section 8.04.010 if the Manager finds that special circumstances warrant such exemption. For purposes of this Subsection, special circumstances shall include, but are not limited to, special events and promotional activities that are beneficial to the primary area or to the downtown community as a whole; and~~

~~D. Exceptions to the student parking prohibition may be made by the City Manager provided that those students excepted shall be permitted to park in the primary area only in specified areas of the overpark structure and must properly display any parking permit that may be required by the City Manager.~~

~~8.04.030 Reports of employees.~~

~~A. By the 15th of January each year; and in case of a business, occupation, tenancy or profession being commenced within the primary and/or secondary areas, within ten days after the commencement:~~

~~1. An employer of a person employed part-time or full-time or as a contracted service provider in the primary and/or secondary areas shall furnish the City or its agent the full name of the employer, the employees, and the service providers and the vehicle license number of each vehicle they own;~~

~~2. A person self-employed part-time or full-time in the primary area and/or secondary area shall furnish the City or its agent their full name and the vehicle license number of each vehicle they own; and~~

- ~~3.—A person(s) residing within the primary and/or secondary areas shall furnish the City or its agent their full name and the vehicle license number of each vehicle they own.~~
- ~~B.—Except as required each year under the above Subsection A, the person required to file the report under the above Subsection A shall indicate if there has been a change in the information previously filed under such Subsection A and, if there is a change, shall update the required information.~~
- ~~C.—The information required by this Section shall be supplied in a mode and on forms prescribed by the City or its agent.~~
- ~~D.—No person who receives or has knowledge or possession of information required to be given by this Section may divulge in any manner such information to any person not associated with the administration or enforcement of the parking program in the parking district.~~
- ~~8.04.040 – Penalty.~~
- ~~Violations of Section 8.04.010 shall be punishable by fine set by Council resolution.~~

**SECTION 8.** Roseburg Municipal Code Section 8.06.010, “Purpose” is hereby amended to read as follows:

8.06.010 - Purpose.

The purpose of this Chapter is to provide permanent residents, and their legitimate house-guests, exemption from certain restrictions placed on on-street vehicle parking when such restrictions are placed on **residentially zoned** streets fronting their primary residences.

**SECTION 9.** Roseburg Municipal Code Section 8.08.010, “Purpose” is hereby amended to read as follows:

8.08.010 - Purpose.

The purpose of this Chapter is to authorize fines as set by the Municipal Judge and to establish additional remedies for the violation of any provision of Chapters 8.02, ~~8.04~~ and 8.06 of this Code. Fines for such violations shall be as set by the Municipal Judge and additional remedies shall be as set forth by this Chapter.

**SECTION 10.** Roseburg Municipal Code Section 8.08.020, “Immobilization of vehicles involved in traffic or parking citations” is hereby amended to read as follows:

8.08.020 - Immobilization of vehicles involved in traffic or parking citations resulting in outstanding fines.

- A. For citations issued for violation of any provision of Chapters 8.02, ~~8.04~~ or 8.06 of this Code:

ORDINANCES C  
ATTACHMENT #1

1. Bail is outstanding if it is not posted within the time specified on the citation and remains outstanding until entry of judgment in the judicial proceedings based on the citation;
  2. A fine is outstanding if unpaid and overdue and remains outstanding until discharged by payment, judicial action, or confinement in jail.
- B. No operator of a vehicle shall cause, and no owner of a vehicle shall allow, a vehicle which has been involved in five or more parking violations under the applicable Chapters of this Code, **and** for which **there are** outstanding bail, fines, or both ~~total \$250 or more and~~, for which notice has been sent to the vehicle owner that such outstanding bail or fines may result in immobilization of the vehicle, to be on a public right-of-way, public property or other property upon which the City enforces parking regulations pursuant to a contract or agreement.
- C. Upon finding an owner of a vehicle, which has been involved in five or more parking violations under the applicable Chapters of this Code, has outstanding bail, fines or both ~~totaling \$250~~, the Finance Director shall direct a notice to be sent to said vehicle owner. Such notice shall specify that if the outstanding bail and/or fines are not paid within ten (10) days of the date of the notice, the vehicle involved in such parking violations shall be considered subject to booting upon being found parked upon a City street or upon property owned or controlled by the City.

**SECTION 11.** All other sections and subsections of Title 8 of the Roseburg Municipal Code shall remain in full force and effect as written.

**ADOPTED BY THE ROSEBURG CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.**

**APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.**

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

**ATTEST:**

\_\_\_\_\_  
**AMY L. SOWA**  
**ASSISTANT CITY MANAGER/CITY RECORDER**

## ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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### ORDINANCE NO. 3557 - GRANTING A GAS UTILITY FRANCHISE TO AVISTA CORPORATION, dba AVISTA UTILITIES

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Meeting Date: May 10, 2021  
Department: Administration  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

Agenda Section: Ordinances  
Staff Contact: Amy L. Sowa, ACM/City Recorder  
Contact Telephone Number: 541-492-6866

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#### ISSUE STATEMENT AND SUMMARY

Council will be considering an ordinance granting a new gas utility franchise to Avista Corporation, dba Avista Utilities.

#### BACKGROUND

Steve Vincent, Avista's Regional Business Manager, reached out to the City on January 12, 2021, regarding the upcoming expiration of their existing gas utility franchise and requesting the City and Avista begin negotiations for the new agreement. The current franchise agreement expires June 30, 2021.

#### A. Council Action History.

On August 22, 2011, Council adopted an ordinance granting a gas utility franchise to Avista. The agreement included an increase in the franchise fee from 5% to 6%, with a delayed implementation of the rate increase to September 1, 2011. The agreement was effective retroactively to July 1, 2011, for a period of ten years, expiring June 30, 2021.

#### B. Analysis.

Staff and representatives from Avista have negotiated an updated agreement with the franchise fee remaining at 6%. After gathering information on the franchise fees charged by other cities throughout Oregon for gas utility, Staff is confident that 6% is a fair and comparable rate. Other sections in the agreement were updated to reflect current best practices and City requirements.

#### C. Financial/Resource Considerations.

The franchise fee proposed is the same as the current agreement so no financial impact is expected.

#### D. Timing Considerations.

The current franchise agreement with Avista expires June 30, 2021. It would be prudent for Council to move forward with first reading of the ordinance granting the franchise to Avista, with second reading occurring on May 24, 2021. This would allow the agreement to go into effect by July 1, 2021, upon acceptance by Avista.

**COUNCIL OPTIONS**

Council has the following options:

- Proceed with first reading of Ordinance No. 3557 granting a gas utility franchise to Avista Corporation dba Avista Utilities; or
- Request additional information

**STAFF RECOMMENDATION**

Staff recommends Council proceed with first reading of the ordinance granting a gas utility franchise to Avista Corporation, dba Avista Utilities.

**SUGGESTED MOTION**

No motion needed, just consensus to move forward with first reading of Ordinance No. 3557.

**ATTACHMENTS:**

Attachment #1 – Proposed Ordinance No. 3557

Cc: Avista Utilities  
Attn: Steve Vincent, Regional Business Manager  
P.O. Box 1709  
Medford, OR 97501

Subject File

CITY OF ROSEBURG, OREGON

ORDINANCE NO. 3557  
AN ORDINANCE GRANTING A NON-EXCLUSIVE GAS UTILITY FRANCHISE TO AVISTA  
CORPORATION, DBA AVISTA UTILITIES; AND FIXING TERMS, CONDITIONS AND  
COMPENSATION OF SUCH FRANCHISE, EFFECTIVE JULY 1, 2021

**WHEREAS,** Avista Corporation dba Avista Utilities, a Washington Corporation, ("Avista"), which is authorized to do business within the state of Oregon has filed with the City of Roseburg, State of Oregon (the "City") a written application for renewal of its Franchise to locate, construct, operate, maintain and use such plants, works, underground pipelines, equipment and appurtenances over, under, along and across all of City's rights-of-way and public property in the City for the purposes of the transmission, distribution and sale of Gas; and the City has determined it is in the interest of persons and businesses in this jurisdiction to have access to Avista's services;

**NOW, THEREFORE, THE CITY OF ROSEBURG DOES HEREBY ORDAIN:**

**SECTION 1.0 DEFINITIONS**

For the purposes of this Franchise the following terms, phrases, words and their derivations shall have the meaning given in this Section. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Words not defined shall be given their common and ordinary meaning.

**Avista:** means Avista Corporation, dba Avista Utilities, a Washington Corporation, and its respective successors and assigns, agents and contractors.

**City:** means the City of Roseburg, a municipal corporation of the State of Oregon, and its respective successors, assigns, agents and contractors.

**Commission:** means the Oregon Public Utility Commission or such successor regulatory agency having jurisdiction over investor-owned public utilities in the State of Oregon.

**Days:** means business days, unless otherwise noted.

**Effective Date:** is July 1, 2021, provided Avista has signed and returned the Franchise Acceptance within thirty (30) calendar days from final passage of this Ordinance. Upon acceptance of this ordinance, all rights, duties and obligations of this Franchise shall come into effect.

**Facilities:** means, collectively, any and all gas transmission systems, distribution systems, and appurtenances owned by Avista, now and in the future in the Franchise Area, including but not limited to, Gas plants, Gas pipes, pipelines, mains, laterals, conduits, services, regulators, valves, meters, meter-reading devices, fences, vehicular protection devices, communication systems, and control systems and other equipment, appliances, fixtures, attachments, appurtenances and

other items necessary, convenient, or in any way appertaining to any and all of the foregoing for the purposes of transmission, distribution, storage and sale of Gas.

**Franchise:** means the grant by the City of rights, privileges and authority embodied in this Ordinance.

**Franchise Area:** means the surface and space above and below rights-of-way owned or held by the City, including, without limitation, rights-of-way for:

- public roads, streets, avenues, alleys, bridges, tunnels, City-owned public utility easements, and highways as currently exist and/or as may hereafter be constructed, platted, dedicated, acquired or improved within the present limits of the City and as such limits may be extended by annexation or otherwise during the term of this Franchise; and
- all City-owned public utility easements dedicated for the placement and location of various utilities, provided such easements would permit Avista to fully exercise the rights granted under this Franchise within the area covered by the easement.

**Gas:** means natural, manufactured, renewable and/or mixed gases.

**Gross Revenues:** Except as otherwise provided in OAR 860-022-0040, "gross revenue(s)" means revenues received from utility operations within City, less related net uncollectables. Gross revenues of an energy utility shall include revenues from the use, rental, or lease of the utility's operating facilities other than residential-type space and water heating equipment. Gross revenues shall not include proceeds from the sale of bonds, mortgage or other evidence of indebtedness, securities or stocks, sales at wholesale by one utility to another utility purchasing the service is not the ultimate customer.

**Maintenance, maintaining, or maintain:** means, without limit, repairing, replacing, upgrading, examining, testing, inspecting, and removing Avista Facilities, vegetation management, digging and excavating, and restoration of affected right-of-way surfaces.

**Parties:** means City and Avista collectively.

**Party:** means either City or Avista individually.

**Person:** means a business entity or natural person.

**Right-of-way:** means the surface of and the space along, above, and below any street, road, highway, freeway, bridge, tunnel, lane, sidewalk, alley, City-owned public utility easement and/or right-of-way now or hereafter held or administered by the City within its corporate limits.

**State:** means the State of Oregon.

**Tariff:** means the rate schedules, rules, and regulations relating to utility service, filed with and approved by the Commission in effect upon execution and throughout the term of this Franchise.

## SECTION 2.0 GRANT OF FRANCHISE

### 2.1 Grant

City hereby grants to Avista the right, power, privilege and authority to enter upon all public roads, rights-of-way, streets, alleys, highways, or structures, lying within the Franchise Area to locate, construct, operate and maintain its Facilities for the purpose of controlling, distributing, storing, and transmitting Gas, as may be necessary to provide Gas service.

### 2.2 Effective Date

This Ordinance will be effective as on the Effective Date.

### 2.3 Term

2.3.1 The rights, privileges and Franchise granted to Avista will extend for a term of ten (10) years from the Effective Date unless terminated by agreement between the Parties.

2.3.2 At the end of the Franchise term, if the City and Avista are negotiating another franchise and have not concluded their negotiations, Avista's rights and responsibilities shall be controlled by this Franchise until the City grants a new franchise and Avista accepts it. If Avista does not accept the new Franchise within 30 (thirty) days of its adoption, this Franchise shall expire.

### 2.4 Non-Exclusive Franchise

This Franchise is not an exclusive Franchise. This Franchise shall not prohibit the City from granting other franchises within the Franchise Area that do not interfere with Avista's rights under this Franchise. City may not, however, award a Gas Franchise to another party under more favorable or less onerous terms than those of this Franchise without this Franchise being amended to reflect such more favorable or less onerous terms.

### 2.5 Assignment of Franchise

Avista shall have the right to assign its rights, benefits and privileges under this Franchise. Any assignee shall, within thirty (30) days of the date of any assignment, file written notice of the assignment with the City together with its written acceptance of all terms and conditions of this Franchise. As permitted by federal law, state law, and Commission regulation, Avista shall have the right, without notice to or consent of the City, to mortgage or hypothecate its rights, benefits and privileges in and under this Franchise as security for indebtedness.

### 2.6 Payment of Franchise Fees

2.6.1 In consideration of the rights, privileges, and franchise granted by City to Avista under this Franchise, Avista will pay City six percent (6%) of Avista's Gross Revenues derived from service to customers located within City (the "Franchise Fee"). Avista will pay the Franchise Fee in quarterly installments, which quarterly installments will be due not later than thirty (30) days following the end of the quarter to which the payment relates. City reserves the right to negotiate the Franchise Fee

at any time after the fifth anniversary of the effective date of this Franchise. In consideration of Avista's agreement to the Franchise Fee, City recognizes and agrees that it shall not impose any other privilege tax, license fee, or other fee upon Avista for Avista's use of the right-of-way as contemplated by this Franchise.

2.6.2 Contemporaneously with each quarterly payment, Avista will file with City a sworn statement describing the total gross revenues Avista received during the applicable quarter (the "Accounting Statement"). City's acceptance of any payments under this Section 2.6 will not constitute a waiver by City of any Avista breach of this Franchise. If Avista fails to pay the entire amount of compensation due the City through error or otherwise, the difference due the City shall be paid by Avista within thirty (30) days from discovery of the error or determination of the correct amount. Any overpayment to the City through error or otherwise shall be offset against the next payment due from Avista.

2.6.3 Inspection of Books and Records

On ten (10) days' advance written notice to Avista, City may review such Avista books, records, documentation, and/or information that City reasonably determines necessary or appropriate to audit an Accounting Statement and/or ascertain Avista's compliance with this Franchise. Avista will cooperate with City in conducting any inspection and/or audit in-person, by mail or electronic means and will correct any discrepancies affecting City's interest in a prompt and efficient manner. Avista will keep all its books, records, documentation, and/or information at its Spokane, Washington headquarters.

2.6.4 Equality of Franchise Fees and Costs

In the event that the City increases charges as prescribed by law upon Avista for any fees, taxes or other costs in connection with the issuance, maintenance, existence, continuation, and/or use of the Franchise or public right-of-way granted herein, City shall impose equivalent charges for any fees, taxes or other costs upon any and all other franchisee(s) doing the same business as or competing with Avista. In the event that City does not impose equivalent charges upon other franchisee(s) doing the same business as or competing with Avista, the City will charge Avista the fees, taxes or other costs imposed upon Avista prior to the increase until all franchisee(s) doing the same business as or competing with Avista are charged the same.

## **SECTION 3.0 AVISTA'S OPERATIONS AND MAINTENANCE**

### **3.1 Compliance with Laws, Regulations, Codes and Standards**

In carrying out any authorized activities under the privileges granted by this Franchise, Avista shall meet accepted industry standards and codes and shall comply with all applicable laws, regulations and ordinances of any governmental entity with jurisdiction over Avista's Facilities in the Franchise Area. This includes all applicable, laws, regulations and ordinances existing as of the Effective Date or as may be subsequently enacted by any governmental entity with jurisdiction over Avista's operations within the Franchise Area. The City shall have the right to make and enforce reasonable rules and regulations that are not discriminatory in nature pertaining to the conduct of Avista's operations within the Franchise Area. Prior to the adoption of any new rule, procedure or policy of general applicability such as right-of-way construction standards, public works standards, right-of-way permit fees, street cutting fees, and/or development permit fees, Avista shall be provided a written draft document for comment with a response period of not less than thirty (30) days. Notwithstanding the foregoing, failure to provide such notice shall not invalidate such new rules, procedures, or policies of general applicability, nor exempt Avista from compliance with such new rules, procedures or policies. Service shall be supplied to the City and its inhabitants in accordance with Avista's rules and regulations and Tariffs currently or subsequently filed with and approved by the Commission.

### **3.2 Facility Location by Avista and Non-Interference**

Avista shall have the discretion to determine the placement of its Facilities as may be necessary to provide safe and reliable Gas service, subject to the following non-interference requirements. All construction, installation, repair or relocation of Avista's Facilities performed by Avista in the Franchise Area will be done in such a manner as not to interfere with existing facilities of other utilities, public or private, including drains, drainage ditches and structures, irrigation ditches and structures located therein, nor with the grading or improvement of such roads, rights-of-way or other public property subject to this franchise.

### **3.3 Facility Location Information**

Avista shall provide the City, upon the City's reasonable request, Facility location information in electronic or hard copy showing the location of its Facilities at specific locations within the Franchised Area, to the extent such information is reasonably available. Avista does not warrant the accuracy of any such Facility location information provided and, to the extent the location of Facilities are shown, such Facilities may be shown in their approximate location. With respect to any excavations within the Franchise Area undertaken by or on behalf of Avista or the City, nothing stated in this Franchise is intended (nor shall be construed) to relieve either Party of their respective obligations arising under the State one-call law with respect to determining the location of existing underground utility facilities in the vicinity of such excavations prior to commencing work.

### **3.4 Vegetation Management – Removal of Trees/Vegetation Encroachment**

The right of Avista to maintain its Facilities shall include the right, as exercised in Avista's professional discretion to minimize the likelihood that encroaching (either above or below the ground) vegetation can interfere with or limit access to Avista's Facilities, or pose a threat to public safety and welfare. Avista or its agents may accordingly remove or limit, without recourse or payment of compensation at its sole expense, the growth of vegetation which encroaches upon its Facilities and/or Gas transmission and distribution corridors within the Franchise Area.

This includes the right to cut or trim any and all trees, brush or shrubs growing in, on, or hanging over any City roads, rights-of-way, streets, alleys or City property, whether such trees or vegetation originate within or outside said right-of-way, property, or place, that interfere with or may interfere with Avista's facilities, including pipes, valves, services, conduits or other apparatus of Avista, its successors and assigns. Such cutting or trimming shall comply with the American National Standard for Tree Care Operation (ANSI A300) and be conducted under the discretion of an arborist certified with the International Society of Arboriculture or equivalent professional organization. If Avista feels it necessary to completely remove a tree for purposes described in this Section, Avista must notify City in advance of such removal. A growth inhibitor treatment may be utilized for trees and vegetation species that are fast growing and problematic. Nothing contained in this Section shall prevent Avista, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang public rights-of-way that may interfere with Avista's Facilities.

### **3.5 Right of Excavation**

For the purpose of implementing the privileges granted under this Franchise, and subject to the conditions described herein, Avista is authorized with the exception of those times wherein noise is specifically prohibited in the Roseburg Municipal Code, to make any necessary excavations in, under and across the streets, alleys, roads, rights-of-way and public grounds within the Franchise Area. Such excavation shall be carried out with reasonable dispatch and with as little interference with or inconvenience to the public as may be feasible. Avista shall remove all debris stemming from excavation and construction. The right-of-way surface shall be restored by Avista after excavation, in accordance with applicable City and Avista specifications. Prior to performing such work, Avista shall obtain all legally required permits, including the opening or disturbance of any right-of-way-within the Franchise Area. City shall cooperate with Avista in granting any permits required, providing such grant and subsequent construction by Avista shall not unduly interfere with the use of such rights-of-way. Avista shall adhere to all building and zoning codes currently or hereafter applicable to construction, operation or maintenance of the Gas Franchise in the Franchise Area, provided that such codes are of general applicability and such codes are uniformly and consistently applied by City as to other public utility companies and other entities operating in the City. The payment of any generally applicable and non-discriminatory right-of-way permit fees, street cutting fees, or development permit fees may be required in addition to payment of the Franchise Fee herein.

In case any obstruction caused by Avista shall remain longer than ten (10) business days after notice to remove it, or in case of neglect by Avista to safeguard any dangerous places, City may remove such obstruction or safeguard such dangerous places at the expense of Avista which shall include any penalty set by the Roseburg Municipal Code for failure to remove such obstruction from the public way.

### **3.6 Emergency Work**

In the event of an emergency requiring immediate action by Avista to protect the public health and safety or for the protection of its Facilities, or the property of the City or other persons in the Franchise Area, Avista may immediately proceed with excavation or other right-of-way work, with concurrent notice to the City to the extent possible. Permits will be required after the fact.

## **SECTION 4.0 RESERVATION OF CITY'S RIGHTS AND POWERS**

### **4.1 Reservation of Right**

The City, in granting this Franchise, does not waive any rights which it may not have or may subsequently acquire with respect to road rights-of-way or other property of City under this Franchise, and this Franchise shall not be construed to deprive the City of any such powers, rights or privileges which it now has or may hereafter acquire to regulate the use of and to control the City's roads, rights-of-way and other public property covered by this Franchise. Nothing in the terms of this Franchise shall be construed or deemed to prevent the City from exercising at any time and any power of eminent domain granted to it under the laws of the State.

### **4.2 Necessary Construction/Maintenance by City**

The installation, construction, operation and maintenance of Avista's Facilities authorized by this Franchise shall not preclude the City, its agents or its contractors, from grading, excavating, or doing other necessary road or utility work contiguous to Avista's Facilities. The City shall notify Avista through the Oregon Utility Notification Center in advance of such contemplated excavation or work to enable Avista to take such measures as may be deemed necessary to protect Avista's facilities from damage and possible inconvenience or injury to the public. In the instance of blasting, Avista shall be given not less than ten (10) days' notice of such work.

### **4.3 Expansion of Avista's Facilities**

Facilities in the City's Franchise Area that are incidental to the Franchise Area, or that have been, or are at any future time acquired, newly constructed, leased, or utilized in any manner by Avista shall be subject to all provisions of this Franchise.

### **4.4 Change of Boundaries of the City**

Any subsequent additions or modifications of the boundaries of the City, whether by annexation, consolidation, or otherwise, shall be subject to the provisions of this Franchise as to all such areas.

#### **4.5 Removal of Abandoned Facilities**

During the Term of this Franchise, or upon a revocation or non-renewal of this Franchise, the City may direct Avista to remove designated abandoned Facilities from the Franchise Area at its own expense and as soon as practicable, but only where such abandoned Facilities constitute a demonstrated threat to public or environmental health and safety, or conflicts with City construction projects. In case of neglect by Avista to safeguard any dangerous places, City may remove such obstruction or safeguard such dangerous places at the expense of Avista which shall include any penalty set by the Roseburg Municipal Code for failure to remove such obstruction from the public way.

#### **4.6 Vacation of Properties by City**

If, at any time, the City shall vacate any road, right-of-way or other public property which is subject to rights granted by this Franchise, to the extent permitted by law, such vacation shall be subject to the reservation of a perpetual utility easement to Avista for the purpose of constructing, reconstructing, operating, maintaining, repairing and upgrading all existing public and private utilities, including those of Avista. The City shall, in its vacation procedure, reserve said easement and shall also expressly prohibit any use of the vacated properties which will interfere with Avista's full enjoyment and use of said easement.

### **SECTION 5.0 RELOCATION OF AVISTA'S FACILITIES**

#### **5.1 Relocation of Facilities Requested by City**

Upon request of the City, Avista shall relocate its Facilities as necessary within the Franchise Area as specifically designated in design plans that are no less than sixty (60) percent complete by the City for such purpose. For purposes of this provision, reasonable efforts shall be made by the City, with input from Avista, to minimize the impacts of potential relocation. The City shall notify Avista of any intended or expected requirement or request to relocate Avista's Facilities as early as practicable, but not less than ninety (90) calendar days prior to any such relocation and may be greater than ninety 90 calendar days if necessary to allow Avista sufficient time to arrange for relocation upon consultation with the City. The City shall endeavor to cause any such relocation to be consistent with any applicable long-term development plan or projection of City or approved by City. If, at any time, the City shall cause or require the alteration or the improvement of any road, highway or right-of-way wherein City maintains facilities subject to this Franchise by grading or re-grading, planking or paving the same, changing the grade, altering, changing, repairing or relocating the same or by constructing drainage or potable water facilities, Avista, upon written notice from the City shall, with all convenient speed, change the location or readjust the elevation of its system and other facilities so that the same shall not interfere with such work and so that such equipment and facilities shall conform to such new grades or routes as may be established.

In cases of emergency, or where not otherwise reasonably foreseeable by the City, the notice requirements of this Section may be shortened by discussion and agreement between the Parties. The City shall use reasonable efforts to cause any such relocation to be consistent with any applicable long-term development plan(s) of the City.

In the event a relocation forces Avista off public right(s)-of-way then the City will make a reasonable effort to accommodate said relocation on alternative public right-of-way.

If the City requires the subsequent relocation of any of Avista's Facilities within five (5) years from the date of relocation of such Facilities or installation of new Facilities that is the result of the same right-of-way project, regardless of the cause for either the initial or subsequent relocation, the City shall bear fifty percent (50%) of the entire cost of such subsequent relocation.

Avista agrees to relocate all Facilities promptly within a reasonable time. Upon notice from the City, the parties agree to meet and determine a reasonable relocation time, which shall not exceed the time normally needed for construction projects of the nature of the City's relocation request unless otherwise mutually agreed.

This Section shall not apply to Facilities in place pursuant to private easement held by Avista, regardless of whether such Facilities are also located within the Franchise Area. In the event the City requests relocation of Facilities that are in place pursuant to an existing easement, said relocation shall be treated in the same manner as a relocation requested by third parties under Section 5.2, below, with the City bearing the expense of relocation.

## **5.2 Relocation of Facilities Requested by Third Parties**

City acknowledges that Avista is obligated to provide Gas service and related line extension or relocation of Facilities for the benefit of its customers and to require compensation for such services on a non-preferential basis in accordance with applicable Tariffs.

If Facilities are to be relocated at the request of or for the main benefit of a third party, the City shall not require Avista to relocate its Facilities until such time as a suitable location can be found and the third party has entered into an agreement to reimburse Avista for its reasonable costs of relocation.

## **5.3 Availability of Other Funds**

In the event the City applies for federal, state or other non-City funding for right-of-way improvements, the City shall make a reasonable effort to include funding for utility relocation purposes, provided such funds do not interfere with the City's right to obtain the same or similar funds, or otherwise create any expense or detriment to the City. The City may recover all costs from granting federal or state agency, including internal costs, associated with obtaining such funds.

## **SECTION 6.0 INDEMNITY**

### **6.1 Indemnification of City**

Avista shall indemnify, defend, and hold the City (including its officers, agents, employees and volunteers) harmless for, from and against any and all claims for injury, damage, loss, cost, expense (including court and appeal costs and attorney, architect, and engineering fees or expenses) and liability of any kind arising from or connected with (i) any act or omission of Avista to keep its Facilities in a safe condition; (ii) any casualty or accident caused by the officers, employees, agents, contractors, or subcontractors of Avista in the construction, operation, Maintenance, repair or removal of its Facilities; and (iii) any breach of this Franchise. However, this provision shall not apply to the negligent or willful acts or omissions of the City, for which the City will indemnify Avista as provided by Section 6.2 of this Franchise and to the extent allowable under the Oregon Tort Claims Act.

### **6.2 Indemnification of Avista**

To the extent permitted by law, City agrees to defend and indemnify Avista, its officers and employees, from any and all liabilities, claims, causes of action, losses, damages and expenses, including costs and reasonable attorney fees, that Avista may sustain, incur, become liable for, or be required to pay, as a consequence of or arising from the negligent acts or omissions of the City, its appointed and elected officers and employees, agents, contractors in connection with City's obligations under this Franchise; provided, however, that this indemnification provision shall not apply to the extent that said liabilities, claims, damages, losses and so forth were caused by or result from the negligence of Avista, its employees or agents.

## **SECTION 7.0 FRANCHISE DISPUTE RESOLUTION**

### **7.1 Non-waiver**

Failure of a Party to declare any breach or default of this Franchise immediately upon the occurrence thereof, or delay in taking any action in connection therewith, shall not waive such breach or default, but the Party shall have the right to declare any such breach or default at any time. Failure of a Party to declare one breach or default does not act as a waiver of the Party's right to declare another breach or default. In addition, the pursuit of any right or remedy by the City shall not prevent the City from thereafter declaring a revocation and forfeiture for breach of the conditions of the Franchise.

### **7.2 Dispute Resolution by the Parties**

Disputes regarding the interpretation or execution of the terms of this Franchise that cannot be resolved by department counterparts representing the Parties, shall be submitted to the City's Attorney and an attorney representing Avista for resolution. If a mutually satisfactory or timely resolution cannot then be reached by the above process, prior to resorting to a court of competent

jurisdiction, the Parties shall submit the dispute to a non-binding alternate dispute resolution process agreed to by the Parties.

### **7.3 Right of Enforcement**

No provision of this Franchise shall be deemed to bar the right of the City or Avista to terminate this Franchise, upon sixty days' written notice, or to seek judicial relief from a violation of any provision of the Franchise to recover monetary damages for such violations by the other Party, or to seek enforcement of the other Party's obligations under this Franchise by means of specific performance, injunctive relief or any other remedy at law or in equity pursuant to Section 7.4. Exclusive venue for any litigation between the City and Avista arising under or regarding this Franchise shall occur, if in the state courts, in Douglas County Circuit Court, and if in the federal courts, in the United States District Court for the District of Oregon.

### **7.4 Attorneys' Fees and Costs**

Each Party shall pay for its own attorneys' fees and costs incurred in any dispute resolution process or legal action arising out of the existence of this Franchise.

## **SECTION 8.0 GENERAL PROVISIONS**

### **8.1 Franchise as Contract, No Third Party Beneficiaries**

This Franchise is a contract between the Parties and binds and benefits the Parties and their respective successors and assigns. This Franchise does not and is not intended to confer any rights or remedies upon any persons, entities or beneficiaries other than the Parties.

### **8.2 Force Majeure**

In the event the Parties are delayed in or prevented from the performance of any of its obligations under the Franchise by circumstances beyond said Party's control (Force Majeure) including, without limitation, third party labor disputes, fire, explosion, flood, earthquake, power outage, acts of God, war or other hostilities and civil commotion, pandemic, epidemic, or cyber attack, then said Party's performance shall be excused during the period of the Force Majeure occurrence. Each affected Party will use all commercially reasonable efforts to minimize the period of the disability due to the occurrence. Upon removal or termination of the occurrence, said Party will promptly resume performance of the affected Franchise obligations in an orderly and expeditious manner.

### **8.3 Prior Franchises Superseded**

As of the Effective Date, this Franchise shall supersede all prior gas franchises for the Franchise Area previously granted to Avista or its predecessors by City, and shall affirm, authorize and ratify all prior installations authorized by permits or other action not previously covered by prior Fran-

chise. Termination of the prior Franchise shall not, however, relieve the Parties from any obligations which accrued under said Franchise prior to its termination, including but not limited to, any outstanding indemnity, reimbursement or administrative fee payment obligations.

#### **8.4 Severability**

The Franchise is granted pursuant to the laws of the State of Oregon relating to the granting of such rights and privileges by City. If any article, section, sentence, clause, or phrase of this Franchise is for any reason held illegal, invalid, or unconstitutional, such invalidity shall not affect the validity of the Franchise or any of the remaining portions. The invalidity of any portion of this Franchise shall not abate, reduce, or otherwise affect any obligation required of the Parties.

#### **8.5 Changes or Amendments**

Changes or amendments to this Franchise shall be in writing and shall not be effective until lawfully adopted by the City and agreed to by Avista.

#### **8.6 Supremacy and Governing Law**

This Agreement shall be interpreted, construed and enforced in all respects in accordance with the laws of the State of Oregon. In the event of any conflict between this Franchise and any City ordinance, regulation or permit, the provisions of this Franchise shall control. In the event of a conflict between the provisions of this Franchise and Avista's applicable Tariff on file with the Commission, the Tariff shall control.

#### **8.7 Headings**

The headings or titles in this Franchise are for the purpose of reference only and shall not in any way affect the interpretation or construction of this Franchise.

#### **8.8 Acceptance of Franchise**

Avista shall, within thirty (30) days after passage of this Ordinance, file with the City Recorder, its acceptance of the terms and conditions of this Franchise.

#### **8.9 Abandonment or Suspension of Franchise Rights and Obligations**

Avista may at any time abandon the rights and authorities granted hereunder, provided that six (6) months' written notice of intention to abandon is given to City. In addition, pursuant to Section 8.6 and in the event a conflict exists between the terms of this Franchise and Avista's Tariff with the Commission that cannot be resolved, Avista may suspend or abandon the rights and obligations of this Franchise upon reasonable notice to the City.

#### **8.10 Venue**

This Franchise Agreement has been made entirely within the state of Oregon. If any suit or action is filed by any party to enforce this Franchise Agreement or otherwise with respect to the subject matter of this Agreement, exclusive venue shall be in the federal or state courts in Douglas County, Oregon.

**8.11 Insurance**

- 8.11.1 Avista shall secure and maintain automobile, comprehensive general liability and property damage insurance that protects Avista and City, as well as the City's officers, agents, employees and volunteers as follows:
- 8.11.1.a. Comprehensive general liability insurance with combined liability limits not less than ten million dollars (\$10,000,000) for injuries for persons or damage to property.
  - 8.11.1.b. Commercial automobile liability for owned, non-owned and hired vehicles with a limit of one million dollars (\$1,000,000) for each person and three million dollars (\$3,000,000) for each accident.
  - 8.11.1.c. Comprehensive form premises-operations, explosions and collapse hazard and underground hazard with limits of not less than ten million dollars (\$10,000,000), which may be included in the general liability policy.
- 8.11.2 The liability insurance policies required by this Franchise shall be maintained by Avista throughout the term of this Franchise, and such other period of time during which the licensee is engaged in the removal of its Gas Facilities. Upon request, Avista shall furnish certificates of insurance acceptable to the City. The certificate shall include the deductible or retention level.
- 8.11.3 The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the term of this Franchise.
- 8.11.4 The insurance shall be without prejudice to coverage otherwise existing and shall name as an additional insured the City and its officers, agents, volunteers, and employees. Notwithstanding the naming of an additional insured, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing in this Section shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been

named as insured. The coverage must apply as to claims between those insured on the policy.

8.11.5 If the insurance is canceled or materially altered within the term of this Franchise, Avista shall provide a replacement policy with the same terms. Avista shall maintain continuous uninterrupted coverage, in the terms and amounts required, upon and after the effective date of this Franchise.

8.11.6 Avista may self-insure to meet the requirements of this Section so long as Avista maintains adequate financial capacity.

8.11.7 Avista shall provide evidence of worker's compensation coverage in accordance with applicable laws of the State of Oregon.

**ADOPTED BY THE ROSEBURG CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
20\_\_.**

**APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.**

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

ATTEST:

\_\_\_\_\_  
Amy L. Sowa, Assistant City Manager/City Recorder

FRANCHISEE'S ACCEPTANCE OF ORDINANCE NO.\_\_\_\_. This Ordinance is hereby accepted by \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

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

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

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

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

) ss.

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

This acceptance was signed before me on \_\_\_\_\_, 20\_\_ by, \_\_\_\_\_  
as \_\_\_\_\_ of \_\_\_\_\_.

Notary Public for \_\_\_\_\_  
Name: \_\_\_\_\_  
My commission expires on: \_\_\_\_\_

.....  
Acceptance received by City Recorder on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Amy L. Sowa, Assistant City Manager/City Recorder**

# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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## ANNUAL FEE ADJUSTMENT INFORMATION

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**Meeting Date: May 10, 2021**  
**Department: Administration**  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

**Agenda Section: Department Items**  
**Staff Contact: Amy L. Sowa, ACM/City Recorder**  
**Contact Telephone Number: 541-492-6866**

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### ISSUE STATEMENT AND SUMMARY

Pursuant to previously adopted City Council resolutions, service fees are to be adjusted annually to account for increased costs to provide those services. Council delayed the increase in 2020 due to the economic impacts related to the Coronavirus pandemic. Council will consider whether to increase some service fees in 2021.

### BACKGROUND

#### A. Council Action History.

- May 11, 2020: Council adopted Resolution No. 2020-07, delaying fee increases to May 2021.
- April 12, 2021: Council discussed whether to increase fees in 2021 as the pandemic continues to have an impact on Roseburg citizens. They directed Staff to bring back information on the different fees and the effect delaying increases would have on the City's financial position.

#### B. Analysis.

The City normally adjusts service fees annually based on either the CPI-U West index (currently 1.7%) or the March Construction Cost Index (CCI) (currently 3.1%). These adjustments ensure the City is able to continue to provide needed services to our citizens, and maintain, repair and construct important infrastructure throughout the City, while remaining financially stable.

During the April 12, 2021 Council meeting, Council directed Staff to bring back information on the different fees and the effect of delaying. Below is information on some of the fees Council may want to consider adjusting, and how delaying those adjustments may affect the City's financial position.

1. Airport Facilities: Increase Airport rent/lease amounts by the CPI-U West index of 1.7%. The airport is operated as an enterprise fund and it is important that it continues to generate the necessary revenue to cover expenses and future grant matches in the absence of the urban renewal funding that was previously available for grant match.

2. Community Development - Planning: Increase fees in the Community Development section by the CPI-U West index of 1.7%. This increase keeps our fees considerably lower than fees for comparable services charged by the County and has a minimal impact on the fees overall. Over the past year, building in our community has remained strong and has not been adversely affected by the pandemic.
3. Fire: Increase fees in the Fire Department by the CPI-U West index of 1.7%. These fees include False Alarm Response Fee, False Alarm Appeal Fee, Inspections, Permits, Plan Review, Hazardous Materials Response, and Opticom Traffic Control Device for non-City owned vehicles.

The Fire Department responds to numerous false alarms during the year, taking personnel out of service to investigate the calls. Charging fees for false alarms serves as an incentive for business owners to maintain their systems in working order and reduce the number of false alarms.

The Fire Marshal reviews plans for new construction projects in the City and conducts inspections of these projects to ensure safety standards are met. Nominal fees are charged to developers for these services. The Fire Marshal also conducts inspections of mobile food vendors, fireworks sales outlets, and backyard burning locations, charging a fee for the issuance of permits for these activities.

The Roseburg Fire Department houses one of thirteen regional Hazardous Materials Teams, in conjunction with the Oregon State Fire Marshal's Office. In the event of a hazardous materials incident, the team mobilizes and takes steps to mitigate the impact of the incident on the citizens and environment. In the event of a non-state team response, fees are sometimes assessed against the party or parties responsible for the incident.

4. System Development Charges (SDCs) for Parks, Transportation, Storm Drainage and Water: Increase the SDCs by the March Construction Cost Index (CCI) of 3.1%.

The City of Roseburg, like all cities, is largely built by developers. As the City grows, there is increasing demand on City infrastructure such as the street system, the water system, the storm drainage system, etc. System Development Charges (SDCs) are fees that are assessed when a property is developed. By law, the funds collected can **only** be used for expansion of infrastructure. The concept is that "growth should pay for growth."

System Development Charges in the City of Roseburg are typically adjusted annually. This indexing of SDCs ensures that the charges assessed keep up with changes in the cost of construction of new infrastructure. However, in 2020, due to the financial impacts of the COVID-19 pandemic, SDCs were not increased and

remained at 2019 levels. Roseburg is seeing significant growth, and it is appropriate to adjust SDCs at this time.

Other proposed amendments to the fee schedule include the following:

1. Public Information Requests: Add a fee of \$5/each for Supplemental Copies of Police Reports. This will help offset the cost of providing additional copies for very large reports.
2. Business Permits-Licenses: Remove the fee for Taxicab Stand Permit as those are no longer issued.
3. Remove the Stacie Court surcharge as it will be paid in full by the end of May 2021.

Staff is not recommending Council increase the monthly storm drainage and water rates for residential and commercial properties as these funds are in a strong financial position.

### **C. Financial/Resource Considerations.**

Projected revenues for the current fiscal year are down 3.1% from the current budget due to the Coronavirus pandemic. Due to factors outside of the City's control, next year's projected revenues reflect a zero percent increase from the current budget while expenditures continue to increase, thereby further reducing the City's reserves. Delaying fee increases for an additional year would contribute to a weakening financial position in the General Fund.

### **D. Timing Considerations.**

These fees are generally scheduled to be updated in May of each year, with an effective date of July 1.

## **COUNCIL OPTIONS**

Council has the following options:

- Direct staff to bring back a resolution with fee adjustments as outlined in this memo; or
- Direct staff to bring back a resolution with other fee adjustments; or
- Direct staff to bring back a resolution postponing any fee adjustments to a later date.

## **STAFF RECOMMENDATION**

Staff recommends Council direct staff to bring back a resolution with fee adjustments as outlined in this memo.

## **SUGGESTED MOTION**

No motion required, just direction to staff regarding any fee adjustments.

## **ATTACHMENTS:**

None

# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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## CITY MANAGER ACTIVITY REPORT

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**Meeting Date: May 10, 2021**  
**Department: Administration**  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

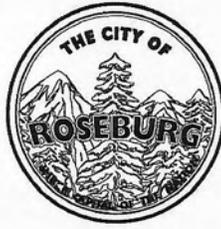
**Agenda Section: Informational**  
**Staff Contact: Nikki Messenger, City Manager**  
**Contact Telephone Number: 541-492-6866**

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### ISSUE STATEMENT AND SUMMARY

At each meeting, the City Manager provides the City Council with a report on the activities of the City, along with an update on operational/personnel related issues which may be of interest to the Council. These reports shall be strictly informational and will not require any action on the Council's part. The reports are intended to provide a mechanism to solicit feedback and enhance communication between the Council, City Manager and City Staff. For your May 10, 2021 meeting, the following items are included:

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



Agenda  
Department Head Meeting  
Electronically via Zoom  
April 27, 2021 - 10:00 a.m.

1. Review April 26, 2021 City Council Meeting Synopsis
2. Review May 10, 2021 City Council Meeting Agenda
3. Review Tentative Future Council Meeting Agendas
4. Documents, Events, or Grants to review and/or sign
  - A. Outdoor Event Permit – May 21-23 and 29-30
5. Department Items
  - A. COVID Impacts, Changes, Numbers and/or Updates (NM)



Agenda  
Department Head Meeting  
Electronically via Zoom  
May 3, 2021 - 10:00 a.m.

1. Budget Meeting Power Point Presentation Review
2. Review May 10, 2021 City Council Meeting Agenda
3. Review Tentative Future Council Meeting Agendas
4. Documents, Events, or Grants to review and/or sign
  - A. Summer Arts Festival Event Permit
    1. Two OLCC Temporary Sales License Applications for the event
5. Department Items
  - A. COVID Impacts, Changes, Numbers and/or Updates (NM)
6. Employee Service Pins
  - A. Jim Watkins, Public Works Water Division – 20 Years
  - B. Ryan Dingman, Police Department – 15 Years
  - C. Tracy Pope, Public Works Parks Division – 15 Years
  - D. Matt Schwendiman, Public Works Parks Division – 10 Years

## TENTATIVE FUTURE COUNCIL AGENDA



### Unscheduled

- Airport Fees for Fire Agency Services
- Crescent Street Vacation
- Parklet Update
- Umpqua Basin Urban Services Agreement

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### May 24, 2021

#### Consent Agenda

- A. Minutes of May 10, 2021

#### Resolutions

- A. Resolution No. 2021-09 – General Fees
- B. Resolution No. 2021-10 – Water Related Fees
- C. Resolution No. 2021-11 – Amending the Roseburg Public Library Collection Policy

#### Ordinances

- A. Ordinance No. 3556 – Amending RMC Title 8 – Traffic, Second Reading
- B. Ordinance No. 3557 – Granting a Gas Utility Franchise to Avista Corporation, dba Avista Utilities, Second Reading
- C. Ordinance No. 3558 – Granting a Telecommunication Franchise to SQF, LLC, First Reading
- D. Ordinance No. 3559 – Granting a Small Cell Telecommunications Franchise to USCOC of Oregon RSA #5, Inc. (U.S. Cellular), First Reading

#### Department Items

- A. 2021 Pavement Management Program – Phase 2 Bid Award Recommendation, 21PW01
- B. Pavement Management Program Bid Award Recommendation – Slurry Seals
- C. RTP Grant Application

#### Informational

- A. City Manager Activity Report

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### June 14, 2021

#### Consent Agenda

- A. Minutes of May 24, 2021

#### Public Hearing

- A. Resolution No. 2021-11 - 2021-22 Budget Adoption
- B. Ordinance No. 3560- Zone Change for Chi's Restaurant, First Reading
- C. Ordinance No. 3561 - Amending RMC Title 12 Land Use Development Ordinance - Duplex Code Criteria, First Reading

#### Resolutions

- A. Resolution No. 2021- -- - Budget Appropriation

#### Ordinances

- A. Ordinance No. 3558 – Granting a Telecommunication Franchise to SQF, LLC, Second Reading
- B. Ordinance No. 3559 – Granting a Small Cell Telecommunications Franchise to USCOC of Oregon RSA #5, Inc. (U.S. Cellular), Second Reading

#### Department Items

- A. 5-Year Pavement Management Plan

#### Informational

- A. City Manager Activity Report

## **Urban Renewal Agency Board Meeting**

### **Consent Agenda**

- A. Minutes of April 12, 2021

### **Public Hearing**

- A. Resolution No. UR2021-02 - 2021-02 Budget Adoption
- 

### **June 28, 2021**

#### **Consent Agenda**

- A. Minutes of June 14, 2021

#### **Ordinances**

- A. Ordinance No. 3560 - Zone Change for Chi's Restaurant, Second Reading
- B. Ordinance No. 3561 - Amending RMC Title 12 Land Use Development Ordinance - Duplex Code Criteria, Second Reading

#### **Department Items**

- A. Washington Avenue Bore Crossing (CM Services awarded with Design Contract)
- B. 2021 Storm CIPP Bid Award Recommendation

#### **Informational**

- A. City Manager Activity Report
- 

### **July 12, 2021**

#### **Mayor Reports**

- A. Parks and Recreation Month Proclamation

#### **Special Presentation**

- A. Roseburg Public Library RARE Participant Presentation by Katie Fischer

#### **Consent Agenda**

- A. Minutes of June 28, 2021

#### **Department Items**

- A. Fulton Shop Roof Bid Award Recommendation

#### **Informational**

- A. City Manager Activity Report
- 

### **July 26, 2021**

#### **Consent Agenda**

- A. Minutes of July 12, 2021

#### **Public Hearing**

- A. Resolution No. 2021--- - Roseburg Regional Business Education Program CDBG Grant Closeout

#### **Informational**

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

### **August 9, 2021**

#### **Consent Agenda**

- A. Minutes of July 26, 2021

#### **Informational**

- A. City Manager Activity Report
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### **August 23 2021**

#### **Consent Agenda**

- A. Minutes of August 9, 2021

Informational

- A. City Manager Activity Report

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**September 13, 2021**

Mayor Reports

- A. Constitution Day and Week Proclamation

Consent Agenda

- A. Minutes of August 23, 2021

Informational

- A. City Manager Activity Report

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**September 27, 2021**

Consent Agenda

- A. Minutes of September 13, 2021

Informational

- A. City Manager Activity Report

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**October 11, 2021**

Consent Agenda

- A. Minutes of September 27, 2021

Informational

- A. City Manager Activity Report

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**October 25, 2021**

Consent Agenda

- A. Minutes of October 11, 2021
- B. Cancellation of November 22, 2021 Meeting

Department Items

- A. 2021 Oregon Public Library Statistical Report

Informational

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

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**November 8, 2021**

Consent Agenda

- A. Minutes of October 25, 2021
- B. Cancellation of December 27, 2021 Meeting

Informational

- A. City Manager Activity Report

Executive Session ORS 192.660(2)

- A. Municipal Court Judge Annual Performance Evaluation

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**December 13, 2021**

Mayor Reports

- A. Municipal Court Judge Compensation

Consent Agenda

- A. Minutes of November 8, 2021

Informational

- A. City Manager Activity Report

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**January 10, 2022**

Mayor Reports

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

Commission Reports/Council Ward Reports

- A. Election of Council President

Consent Agenda

- A. Minutes of December 13, 2021

Informational

- A. City Manager Activity Report

## Friday Message

### April 30, 2021

- The Governor has instituted changes in the risk metrics recently. Since the number of hospitalizations statewide has exceeded 300, she has changed the process of evaluating counties every two weeks and removed the “buffer” weeks that had been in place previously. While that has been bad news for 15 counties that have been placed back in the extreme risk category, Douglas County has actually moved the other direction and went into the moderate risk category beginning today.
  - Staff’s plan has always been to reopen the library when the county reached the moderate risk category. If we stay in that category, the library will reopen to the public on May 11. This is exciting news. More to come!
- The Roseburg Sister Cities are hosting an event in the Friendship Garden behind the Roseburg Public Library **today** until 5:00 p.m. If you get a chance, swing by and see the improvements that have been made as part of our annual Arbor Day celebration.
- Wednesday, staff hosted a virtual meeting with the FAA and a handful of corporate airport users to discuss a proposed special procedure that may solve the nighttime approach issue for most of our local airport users. The group was *very* supportive of the new special procedure approach. On Thursday, I worked with the consultant to submit two requests to FAA – one to request the development of the special procedure, and one to amend the existing procedure to allow category A and B aircraft to use the existing nighttime approach since the latest issue only appears to affect larger category C and D aircraft. This will not be a fast process, but gets us working towards a solution again!
- Budget hearings are right around the corner, with the first meeting scheduled for May 11. Koree is scheduling pick and/or delivery of budget materials to Budget Committee members early next week. Please do not hesitate to contact staff if you have any questions about the draft budget.
- CCD Business Development Corporation organized a virtual meeting with city and county representatives on Monday to discuss potential needs/projects for any future ARP funding that may become available. One of the “regional” priorities that continues to receive attention is the upgrading of the county’s 911 communications system. This would benefit every city and emergency response agency in the county. Other priorities I continue to emphasize include Med Ed, Douglas Avenue, economic support for local businesses, back-up power at the water treatment plant and funding for homeless support/programs.
- The Homeless Commission met on Monday and heard a presentation from Rogue Retreat on suggested next steps towards addressing the issues surrounding homelessness in Roseburg. Staff will be working with the Commission on forming sub-committees (City Manager ad-hoc committees) to 1) give more opportunity for community members to get involved, 2) divide and conquer the many tasks that need to be accomplished.

- The Mayor, Police Chief and I met with several RHS representatives yesterday to begin planning for the 2021 Graduation Parade. The school is planning for a (smaller) traditional graduation ceremony outside followed by a parade similar to last year. Thank you to our Police and Public Works Departments for their assistance in making this happen!
- A quick note about the 4<sup>th</sup> of July fireworks....the City did not cancel the fireworks. The Hometown 4<sup>th</sup> of July Committee decided to cancel the fireworks. It is true that we were not going to allow the fireworks on Reservoir Hill or at the airport, but we did suggest they might be able to occur at Stewart Park given new guidance on outdoor events. The committee chose to cancel this year and focus on next year (hopefully) post-Covid. We respect their decision, but wanted to clear up any confusion regarding the City cancelling the event.
- The HR Department has been extremely busy lately. We are currently in various stages of recruiting and/or interviewing for multiple positions in the Fire Department, Public Works Department, and Parks Maintenance Division. The new Communications Specialist, Suzanne Hurt, will start on May 10.
- Last week, staff was able to place a large order for MREs (meals ready to eat) at a very affordable \$10 per case from the state (normally closer to \$100/case). Staff decided to place a large order as part of Council's Goal 5 regarding emergency preparedness.
- Meetings next week (virtual via Zoom):
  - Planning Commission – Monday, 5/3 @ 7:00 pm
  - Parks & Rec Commission – Wednesday, 5/5 @ 8:15 am