

ROSEBURG CITY COUNCIL AGENDA – APRIL 24, 2023

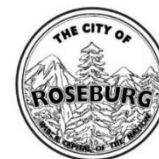
City Council Chambers, City Hall

900 SE Douglas Avenue, Roseburg, Oregon 97470

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4-20-2023

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

7:00 p.m. Regular Meeting

1. Call to Order – Mayor Larry Rich

2. Pledge of Allegiance

3. Roll Call

Shelley Briggs Loosley
Kylee Rummel

David Mohr
Patrice Sipos

Ellen Porter
Ruth Smith

Brian Prawitz
Andrea Zielinski

4. Mayor Reports

- A. Historic Preservation Month Proclamation
- B. Bike and Safety Month, Walk and Bike to School Week and Bike to Work Day Proclamation
- C. Thrive Umpqua Day Proclamation

5. Commission Reports/Council Ward Reports

6. Audience Participation – In Person or via Zoom/See Information on the Reverse

7. Consent Agenda

- A. April 10, 2023 Meeting Minutes
- B. April 17, 2023 Work Study Session Minutes

8. Ordinances

- A. Ordinance No. 3583: Amending RMC Section 7.02.140, Noise Disturbances, First Reading
- B. Ordinance No. 3584: Granting Renewal of a Telecommunications Franchise to First Communications, LLC, First Reading
- C. Ordinance No. 3585: Granting Renewal of a Telecommunications Franchise to LightSpeed Networks, Inc. dba LS Networks, First Reading

9. Department Items

- A. Vine Street Water Main Replacement and Hooker Road Main Extension Construction Bid Award – 23WA04 and 23WA05
- B. Calkins/Troost/Harvard Storm Improvement Project Contract Award Recommendation - 22GR20
- C. SE Stephens Street/SE Pine Street Water Main Replacement Project 23WA12 Task Order No. 1 Authorization

10. Items from Mayor, City Council and City Manager

11. Adjourn

12. Executive Session ORS 192.660(2)

Informational

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

Comments may be provided in one of three ways:

- In person during the meeting in the Council Chambers, Roseburg City Hall, 900 SE Douglas Ave.
- Email by sending an email by 12:00 p.m. the day of the meeting to info@cityofroseburg.org
- Virtually during the meeting. Contact the City Recorder by phone (541) 492-6866 or email (info@cityofroseburg.org) by 12:00 p.m. the day of the meeting to get a link to the meeting.

When providing comments in person, each speaker must provide their name, address, phone number and which item on the agenda they wish to speak on the Audience Participation Sign-in Sheet.

When providing comments virtually or by email, each speaker must provide their name, address, phone number and which item on the agenda they wish to speak in an email to info@cityofroseburg.org.

When participating virtually, 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**, 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 city of residence for the record. 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

For each item in which speakers have requested to speak, the order will be as follows:

1. Speakers who attend in person will be called up to speak by the Mayor in the order in which they signed up.
2. Speakers on Zoom (video or phone only) will be called on to speak by the Mayor in the order in which they signed up. Each speaker will be brought in from the “waiting room” into the meeting to provide comments, then moved back to the “waiting room” after comments are provided.
3. Emailed comments to be read by the Mayor

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

Historic Preservation Month

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

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

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

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

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

WHEREAS: May is National Preservation Month 2023, co-sponsored by the City of Roseburg and the National Trust of Historic Preservation.

NOW, THEREFORE, I, Larry Rich, Mayor of the City of Roseburg, Oregon, do hereby proclaim the month of May 2023 as

Historic Preservation Month

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

DATED this 24th day of April 2023.

Honorable Mayor Larry Rich

PROCLAMATION

CITY OF ROSEBURG, OREGON

National Bike & Bicycle Safety Month

WHEREAS: the bicycle is a viable and environmentally sound form of transportation and an excellent form of recreation; and

WHEREAS: millions of Oregonians will experience the joys of bicycling during the month of May through educational programs, races, commuting events, trail work days, youth bike safety programs, charity events, or just getting out and going for a ride with other community members; and

WHEREAS: the Umpqua Valley attracts bicyclists each year from across the state and country, providing economic, health, and scenic benefits to citizens of Roseburg; and

WHEREAS: these bicycling activities and attractions have great potential to have a positive impact on Roseburg's economy and tourism industry and to stimulate economic development by making the region attractive to businesses and citizens who enjoy the outdoors and healthy lifestyles; and

WHEREAS: creating bicycle-friendly communities has been shown to improve citizens' health, well-being, and quality of life, to boost community spirit, to improve traffic safety, and to reduce pollution and congestion; and

WHEREAS: the education of bicyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and

WHEREAS: May has been declared National Bike Month for each of the last 68 years, and is so again in 2023; and

NOW, THEREFORE, I, Larry Rich, Mayor of the City of Roseburg, Oregon, do hereby proclaim the month of May 2023 as

**National Bike & Bicycle Safety Month with May 3rd as Walk and Bike to School Day
and May 19th as Bike to Work Day**

and urge our citizens to support bicycling to participate in the events planned and urges all road users to share the road safely with bicycles.

DATED this 24th day of April 2023.

Honorable Mayor Larry Rich

PROCLAMATION

CITY OF ROSEBURG, OREGON

THRIVE UMPQUA DAY

WHEREAS: the City of Roseburg has become a healthier community over the last 6 years because of over 9,000 citizens and 87 organizations engaged in Thrive Umpqua, our community-wide well-being initiative.

WHEREAS: Thrive Umpqua is continuing the transformative efforts of Blue Zones Project, launched in 2017, as a partnership of individual and organizational change-makers, collaborating around a common objective, with measurable outcomes, that uses proven, evidence-based best-practices inspired by the longest living cultures around the world.

WHEREAS: it has been shown that by coming together to make the healthy choice the easy choice, across sectors and through changes to the places where we spend the most time, the well-being of a community increases. Thrive Umpqua has encouraged moving more, taking time to unwind daily, discovering the power of purpose and deploying that purpose in the community, plant-slanting, cultivating a positive outlook, and deepening connections with friends, family, and faith;

WHEREAS: Thrive Umpqua interventions have impacted the community's health risks to drive medical and productivity savings. The Umpqua Valley has seen an increase in overall well-being since 2017 measured by outcomes linked to Thriving in Life, Community and Physical Well-Being.

WHEREAS: we are proud of our residents for their commitment to make well-being a way of life for all and reaching the outstanding national designation of a Certified Blue Zones Community.

WHEREAS: this Blue Zones Community Certification achievement required tremendous effort and resiliency throughout the community, the policies and programs implemented in our City will have a permanent impact on the quality of life enjoyed by all of its residents, and we applaud our local leaders, volunteers and residents for their dedication as we continue to celebrate this designation.

WHEREAS, Thrive Umpqua is a unified quest bringing us together to create a dynamic, inclusive, accessible, and empowering community where all can thrive.

NOW, THEREFORE, I, Larry Rich, Mayor of the City of Roseburg, do hereby proclaim May 1, 2023 as

Thrive Umpqua Day

and encourage 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!

DATED this 24th day of April 2023.

Honorable Mayor Larry Rich

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL MEETING
April 10, 2023**

Mayor Rich called the regular meeting of the Roseburg City Council to order at 7:00 p.m. on April 10, 2023 in the City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon. Councilor Zielinski led the Pledge of Allegiance.

ROLL CALL

Present: Councilors Shelley Briggs Loosley, David Mohr (7:05 p.m.), Ellen Porter, Kylee Rummel, Patrice Sipos, Ruth Smith, Brian Prawitz, and Andrea Zielinski

Absent: None

Others Present: City Manager Nikki Messenger, City Recorder Patty Hitt, City Attorney Jim Forrester, Police Chief Gary Klopfenstein, Community Development Director Stuart Cowie, Human Resource Director John VanWinkle, Library Director Kris Wiley, Parks and Recreation Manager Velorie Ligon, and Management Assistant Autumn David.

MAYOR REPORTS

In conjunction with “Volunteer Recognition Month,” the Mayor publicly honored and thanked volunteers who donated their time and efforts for the betterment of the Roseburg Community. Mayor Rich proclaimed April 2023 as Volunteer Recognition Month and urged citizens to recognize the endeavors made by our volunteers to enhance the quality of life in our community. Velorie Ligon, Parks and Recreation Program Manager accepted the proclamation and thanked the Mayor and Council for their support. Ms. Ligon said that in addition to the 73 members of the City Council and various Commissions, they recorded 421 park, library and police volunteers who logged 5,335 volunteer hours. Their service equated to \$159,783 in value of volunteers’ contribution of time, talent, and effort in the community.

Mayor Rich proclaimed April 2023 as Oregon Arbor Month and urged all citizens to celebrate the entire month of April and to focus on appreciating all that trees do for us. Velorie Ligon, Parks and Recreation Program Manager, accepted the proclamation and said they kicked off the month with a free community event and will continue celebrating throughout April. Friday, April 28th is Arbor Day. Parks will put out social media posts throughout the month. Staff hoisted a flag outside City Hall to represent Roseburg as a Tree City USA.

Mayor Rich proclaimed April 23-29, 2023 as National Library Week and encouraged citizens to participate in the observance. Kris Wiley, Library Director, accepted the proclamation and thanked the Mayor and Council for the recognition. Wiley is proud to work with a team that supports literacy and life-long learning in the community. The library serves as a gathering space for library programs, meetings, and access to technology with staff ready to help with information needs. The library is open to the public and Wiley invites everyone to visit the library and see the ways in which libraries make a difference in people’s lives.

AUDIENCE PARTICIPATION

None

CONSENT AGENDA

Councilor Zielinski moved to approve the following consent agenda items:

- A. March 27, 2023 Regular Meeting Minutes
- B. OLCC Annual Liquor License Renewal Endorsement
- C. OLCC New Outlet – The Apothecary – Roseburg, LLC located at 415 SE Jackson Street.

The motion was seconded by Councilor Briggs Loosley and approved with the following vote: Councilors Briggs Loosley, Mohr, Porter, Rummel, Sipos, Smith, Prawitz, and Zielinski voted yes. No one voted no.

PUBLIC HEARING – SALE OF REAL PROPERTY – 1410 SE MICELLI STREET

At 7:11 p.m., Mayor Rich opened the public hearing regarding the sale of real property at 1410 SE Micelli Street. Messenger discussed the property located at 1410 SE Micelli Street was registered as derelict by the City in 2020. On November 8, 2021, the City conducted a public auction to foreclose on the property. No one from the public bid on this property, so the City chose to purchase it. Following the one-year redemption period, the property was deeded to the City on November 28, 2022. The property was declared surplus by Council on February 13, 2023. Council directed staff to hire a realtor to market the property and the parcel was marketed for sale at \$75,000.

The City received three offers as outlined in the staff report. The highest offer of \$75,000 was received from Clearview Development, LLC, with the only contingency being a clear title report. Closing date would be on or before April 21, 2023, and proof of financing was provided.

The City has spent \$15,334.11 on this property to date. The real market value for the property and house as listed on the Douglas County Assessor's page is \$145,932.00. This does not appear to take into account the fire damage to the structure. The offer includes a closing date of April 21, 2023. Council has the option to either accept one of the offers, direct a counter offer, reject all offers and continue to list the property, reject all offers and direct staff not to sell the property, or reject all offers and direct staff to conduct an appraisal of the property. The notification of the Public Hearing was published in the News Review seven days prior to the Council meeting. Staff recommended Council accept the highest offer of \$75,000 from Clearview Development, LLC.

In response to Councilor Prawitz, Messenger stated the property is residential; the purchaser has the option to either repair the existing structure or tear it down and build a new residence.

As no one else wished to speak, Mayor Rich closed the hearing at 7:15 p.m. Councilor Zielinski moved to accept the offer of \$75,000 from Clearview Development, LLC for the property located at 1410 SE Micelli Street. Motion was seconded by Councilor Briggs Loosley and approved with the following vote: Councilors Briggs Loosley, Mohr, Porter, Prawitz, Rummel, Sipos, Smith and Zielinski voted yes. No one voted no.

RESOLUTION NO. 2023-11 - DECLARING CERTAIN REAL PROPERTY AS SURPLUS

Hitt stated staff received an email offer for the purchase of a property at 481 SE Leland Street, which was registered as derelict by the City in 2020. On November 8, 2021, the City conducted a public auction on two properties, including 481 SE Leland Street. No one from the public bid

on either property, so the City chose to purchase both. Following the one-year redemption period, the property was deeded to the City on November 28, 2022. The house is in disrepair with a portion of the roof collapsing. Staff determined that demolishing the house and selling the vacant lot would be the best option; however, during that process an email offer was received to purchase the property for \$40,000 as is.

The realtor's opinion was that the offer of \$40,000 for the property and house as-is was a good offer and the City should consider accepting it. To accept the offer, Council must first determine the property to be surplus. Hitt requested direction from Council. Council has the option to either direct staff to declare the property surplus, request additional information, or do nothing at this time and provide staff direction on how to proceed. Staff recommended Council adopt the resolution declaring the property as surplus.

In response to Councilor Mohr, Hitt stated the offer was received unsolicited. Attorney Forrester clarified that City code states if the City receives an unsolicited offer for a property, the process is to bring the offer before Council to determine the property as surplus. Messenger added if staff received an offer on a property that was not intended for surplus, the offer would be brought to Council and staff would recommend Council not declare the property as surplus.

In response to Mayor Rich, Messenger clarified since a buyer is already interested in purchasing the property, staff intended to advertise the offer as a Public Hearing rather than listing with a realtor. Public Hearings are advertised in the News Review. Messenger added that Council also has the option to direct staff to list the property with a realtor.

Councilor Porter recommended Council pause on declaring any further properties as surplus until a location is determined for an urban campground.

Councilor Prawitz moved to adopt Resolution No. 2023-11, entitled, "A Resolution Declaring Certain Real Property as Surplus." The motion was seconded by Councilor Zielinski.

Councilor Porter reiterated her comment urging Council to pause on declaring properties as surplus until it is determined what is being done for an urban campground. Councilor Mohr added if the property is declared as surplus, it would be preferred to have the public be given an equal opportunity to bid on it. Councilor Prawitz agreed. Messenger recommended Council first take action on the resolution. A motion could then be made directing staff how to proceed.

The motion was approved with the following vote: Councilors Briggs Loosley, Prawitz, Rummel, Sipos, Smith, and Zielinski voted yes. Councilor Porter and Mohr voted no. Mayor Rich declared Resolution No. 2023-11 as adopted.

In response to Councilor Prawitz, Messenger stated Public Notice is required before an offer can be accepted. When the property on Micelli was declared as surplus, Council directed staff to use a realtor to list the property.

Councilor Prawitz moved to have staff list the property at 481 SE Leland Street with a realtor. The motion was seconded by Councilor Mohr.

Mayor Rich stated that listing the property with a realtor creates a fair process because everyone gets an equal opportunity to bid on the property.

The motion was approved with the following vote: Councilors Briggs Loosley, Mohr, Porter, Prawitz, Rummel, Sipos, Smith and Zielinski voted yes. No one voted no.

Councilor Briggs Loosley questioned if Council decides it no longer wants to sell the property because it is determined it could be used for an urban campground, what options would there be to back out of the sale. Discussion ensued. Attorney Forrester stated a contingency would need to be in place, unless all offers received were under the listing price. There is potential to get out of a sale once listed, but it may not be the best choice on how the City would want to proceed.

In response to Councilor Porter, Attorney Forrester confirmed a buyer, who made an offer for the listing price or greater, could potentially require specific performance, which could require the City to sell or pay damages for not selling.

ORDINANCES – ORDINANCE NO. 3582 GRANTING RENEWAL OF A TELECOMMUNICATION FRANCHISE TO QUANTUM SHIFT COMMUNICATIONS, INC. dba vCOM SOLUTIONS, EFFECTIVE JANUARY 1, 2024, SECOND READING.

Hitt read Ordinance No. 3582, entitled, “An Ordinance Granting Renewal of a Telecommunication Franchise to Quantum Shift Communications, Inc. dba vCOM Solutions, Effective January 1, 2024,” for the second time.

Councilor Zielinski moved to adopt Ordinance No. 3582. The motion was seconded by Councilor Briggs Loosley. Roll call vote was taken: Councilors Porter, Mohr, Rummel, Zielinski, Prawitz, Smith, Sipos and Briggs Loosley voted yes. No one voted no. Mayor Rich declared Ordinance No. 3582 as adopted.

ITEMS FROM THE MAYOR, CITY COUNCIL AND CITY MANAGER

Councilor Porter provided an update on legislation to address limiting liability of urban campgrounds. Both the House and Senate were approached to introduce the legislation. The information was submitted late to the House and did not survive committee. On the Senate side, the legislation was attached to SB847. Several people testified in support of the language and letters of support were received from numerous jurisdictions, environmental groups, and organizations that work with the homeless. The Trial Attorney Associations in Portland and Salem provided opposition and it did not pass through the Senate. Therefore, as of now, there is no bill to act as a conduit to get it through the legislature. Work is being done to find another bill to attach to. Councilor Porter added they got a late start this year and made a lot of progress; the bill language gained a lot of attention all the way up to the governor’s office, and they did not plan to give up.

Councilor Prawitz questioned if there were other bills moving through the process that could provide hope to resolve the issue. Councilor Porter clarified most current bills surround providing funding for various jurisdictions in order to establish more housing. There was not a lot of language available addressing campers; the focus was on providing housing. Messenger added that in the emergency bill signed by the governor the focus was on metro areas and certain counties that declared a State of Emergency in regards to homelessness. Douglas County was not included in that. There was a lot of work done to get 26 million in funding dedicated to the balance of state, which includes 26 additional non-metro counties. OHCS was distributing funds to the emergency counties this week. There had not been any talk about what the balance of

state programs would look like. Ongoing funding for navigation centers comes from a different fund. The navigation center funding from the 2021 legislation and lives in the governor's proposed budget.

Councilor Mohr questioned how the legislation dying at the House affects actions Council can take regarding an urban campground and addressing homelessness. Liability continues to be a large hindrance to moving forward. Messenger stated it was not helpful; liability will be a large part of the discussion when determining how to approach finding an organization to operate an urban campground.

Councilor Porter added when the bill language was discussed, she reached out to CIS to see how much liability insurance would cost. CIS contacted three standard private insurance companies and found that for non-profits, the liability insurance was quoted at \$40,000 annually per tent site within a campground. The explanation given was that rates would be based on losses from previous claims, litigation, and the risk of loss going forward.

In response to Councilor Mohr, Messenger stated according to the governor's declaration, a State of Emergency regarding homelessness must be countywide and based on the point-and-time count each year. Messenger added that the City declaring a state of emergency would not impact liability costs.

In response to Councilor Smith, Councilor Porter stated she would assume organizations already operating an urban campground would be grandfathered in and not see a large rate increase, but was not certain.

Councilor Smith suggested staff consider including closed-captioning for City Council video streaming when updating the audio/visual components within the Council Chambers. Facebook may already have that capability and Messenger would check on that. Councilor Smith added providing ADA training to staff for City Council presentations could help with DEI efforts.

Messenger requested advice from Council on how to move forward with Time, Place and Manner. The deadline to have the ordinance in place is June 30, 2023. Potential ordinance language would be discussed with the Homeless Commission at the April meeting before being brought to Council for a first and second reading. A work-study session could be used to discuss Time, Place, and Manner regulations, ask questions, and share ideas. Council agreed to hold a special meeting next week to discuss Time, Place and Manner regulation. Hitt will reach out to Council to determine a date and time for the meeting.

ADJOURNMENT

Mayor Rich adjourned the regular meeting at 7:55 p.m.

Autumn David

Autumn David
Management Staff Assistant

**MINUTES OF THE WORK STUDY SESSION
OF THE CITY COUNCIL
April 17, 2023**

Mayor Larry Rich called the work study session of the Roseburg City Council to order at 6:30 p.m. on April 17, 2023 in the City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon.

ROLL CALL

Present: Councilors, Ellen Porter, David Mohr, Kylee Rummel, Andrea Zielinski, Brian Prawitz, Ruth Smith, Patrice Sipos, and Shelley Briggs Loosley.

Absent: None

Others Present: City Manager Nikki Messenger, City Recorder Patty Hitt, Community Development Director Stuart Cowie, Human Resources Director John VanWinkle, Finance Director Ron Harker, Public Works Director Dawn Easley, Police Chief Gary Klopfenstein, Fire Chief Tyler Christopherson, Communications Specialist Suzanne Hurt, and Management Assistant Autumn David.

TIME, PLACE AND MANNER

Messenger explained the legal landscape regarding camping in public spaces as outlined in the staff report. City ordinances were amended on multiple occasions in an effort to comply with changing laws. Most recently, HB 3115 requires that updates to local ordinances that regulate acts of sitting, sleeping, lying or keeping warm and dry outside on public property be “objectively reasonable” based on the totality of the circumstances and must be adopted by July 1, 2023. What is “objectively reasonable” is likely to be different in different communities. Cities are allowed to impose citywide prohibitions against persons sitting, sleeping, or lying in public, if the city has a low-barrier shelter that is accessible to the person experiencing homelessness against whom the prohibition is being enforced. Current shelters in Roseburg do not meet the definition of a low-barrier shelter.

The City published a survey to gather input from all community stakeholders regarding appropriate time, place and manner considerations. A synopsis of the survey results are outlined in the staff report. A baseline of appropriate time, place and manner considerations was developed based on the survey results, talking with staff that work directly with the homeless, and assessing damage done to environmental areas in relation to homeless camps.

Messenger explained place restrictions mean there would be areas adopted that camping on public property is prohibited at all times, time restrictions provide times that camping on non-prohibited public property would be prohibited, and manner regulates conditions and what that looks like. The draft ordinance was not written to allow camping in specific areas or at specific times, rather to clarify time, place and manner in which camping on public property is prohibited. Attorney Forrester added that several communities are implementing similar ordinances and some may be challenged through the process. Once adopted, ordinances can be updated as necessary.

Messenger requested Council input on proposed time regulations. The goal is to allow the necessary act of sleeping without creating established campsites. Staff presented two options for time regulations – restrict camping during certain hours or limit camping to a certain number of continuous hours. Discussion ensued. Klopfenstein stated the police department would prefer camping to be restricted during certain hours, because it is more difficult to track and regulate continuous hours at one location. Additionally, staff recommends exceptions for instances such as severe weather or verification from a verified provider that there is a need to remain in one location for an extended time.

Acts of lying down and resting are not considered camping and are not prohibited. The proposed ordinance regulates camping, not sleeping. Councilor Mohr suggested adding language that setting up camping gear within the parks to test prior to use or using hammocks for leisure within restricted hours is allowable as long as it does not constitute camping. Councilor Zielinski recommended staff consider adjusting the time regulations during winter hours; it gets dark earlier and is difficult to set up a campsite after dark. Messenger stated seasonal hours could be considered. Park hours are currently from dawn to dusk, but that would be adjusted with the implementation of the ordinance. Using language from dusk to dawn was not recommended, as it can be difficult to define. Messenger added time regulations were developed around law enforcement shift changes and times when officers can respond to those areas and provide enforcement. In response to Councilor Prawitz, Attorney Forrester stated time limit regulations vary between communities and there is currently no established best practice; as regulations are challenged as not being objectively reasonable, best practices will be better defined. Discussion ensued. Attorney Forrester reminded Council that an ordinance could be challenged based on what it says, not how it is enforced, and added that anyone can challenge ordinance language, the challenger does not have to have been damaged by it. Messenger confirmed Council would prefer to have set time limits, but would like to look at seasonal times.

Messenger explained place restrictions as outlined in the staff report and added that staff tried to be mindful when developing the list of places where camping is prohibited. Discussion ensued around restrictions within 100 feet of the high-water mark. Messenger explained that up to 100 feet from the high-water mark is riverine area; the area is environmentally sensitive and development is not allowed. Discussed expanding the 10-foot distance from any multi-use path. Attorney Forrester reminded Council that time restrictions are still applicable in regards to place and that it is important not to restrict all city owned property, as that would not be considered objectively reasonable. Council agreed to keep the distance at 10-feet from any multi-use path to avoid creating too many restrictions.

Councilor Mohr questioned the reasoning behind the distance of 1,000 feet from a school or daycare. Messenger explained the decision of 1000 feet from schools/daycares was to remain consistent with other distance restrictions from those establishments. In response to Councilor Mohr, Messenger stated the navigation center property is leased from the City; occupants are guests of the navigation center and camping is not allowed. Attorney Forrester stated he would review the lease and may add clarification to the ordinance wording. In response to Councilor Prawitz, Messenger stated parks in general are not listed as prohibited; therefore, camping is not prohibited in those areas during the times when camping is not prohibited. Discussion ensued. Messenger stated if Council is concerned with the maintained portion of Stewart Park, it could be discussed to include that area. Councilor Mohr added with the place restrictions as

outlined, it appears most of Stewart Park would be prohibited anyway. Attorney Forrester stated if certain areas become problematic, the ordinance could be updated as necessary. In response to Councilor Sipos, Attorney Forrester stated the City should avoid language that refers to places where camping is allowed. That would be similar to creating an urban campground, which can create a liability for the City.

Messenger explained manner restrictions as outlined within the staff report. In response to Councilor Mohr, Messenger stated staff has seen a lot of damage to trees in the parks because of established campsites, therefore staff recommends prohibiting attaching anything, including hammocks or rainfly's, to trees or vegetation. Messenger reminded Council this is not intended for recreational camping, the intent was to meet the basic need of sleeping and keeping warm and dry. The language allows for one mobility device per occupant to be stored outside the tent or tent like structure. The 100 square foot limit is intended for the interior of the tent or tent-like structure, outside area was not included in that square footage, but outside storage was limited to one mobility devices per occupant. Attorney Forrester added that after including Council suggestions, an attorney from CIS would review the ordinance language and provide feedback. In response to Councilor Porter, Attorney Forrester stated campsites would need to be packed up and moved every day, so supplies should be minimal; the idea is that all belongings would be stored inside the tent. In response to Councilor Mohr, Messenger stated recreational camping is not covered by this ordinance. Attorney Forrester added the ordinance specifically addresses those who do not have shelter; a person that has shelter could be cited for camping in a public space.

Attorney Forrester explained staff would use the tools available to them to enforce the ordinance. Some offenses would be violations and others could potentially result in criminal charges. Klopfenstein added that offensive littering is a criminal offense and would be dealt with as a separate issue. Messenger stated some manner regulations do overlap with other laws or ordinances, but staff felt they were important enough to be included.

In response to Councilor Prawitz, Attorney Forrester stated the area between the Umpqua River Path and the South Umpqua River was added with an intent to encompass everything from the path to the river in that area. Messenger added specific areas can be hard to define but there was an easy delineation at that location, which is also environmentally sensitive. Messenger stated survey data indicates downtown Roseburg was the top location that people do not want camping and requested direction from Council on clarifying prohibited areas in downtown Roseburg. Discussion ensued. Councilor Porter agreed that creating specific prohibited areas in downtown was necessary, but requested opinions from Councilor Smith and Councilor Sipos since the downtown area is located in their ward. Councilor Smith stated back entrances are often used by business owners and would suggest prohibiting the alleyway between the parking garage and businesses. In response to Councilor Prawitz, Attorney Forrester stated adding all commercially used properties would be too restrictive. In response to Mayor Rich, Messenger stated the area under I5 is ODOT property and staff would need to clarify authority to expand enforcement to that area. Attorney Forrester clarified it would be prohibited to camp in that area, the question was who would do the enforcement; the state would not enforce a city ordinance.

Staff will work with the City Attorney to complete the draft ordinance language for the Homeless Commission and Council consideration. Messenger requested direction from Council on how

to gather community input. Council directed staff to have the draft ordinance available for public review on May 1, with the first reading and public comment held during the first regular meeting in May. In response to Mayor Rich, Messenger stated minor changes can be made after a first reading, but if changes were substantial, a new first reading of the ordinance would be required. Forrester added that there should not be a problem meeting the July 1 deadline, even if there were significant changes and a new first reading was required, an effective date of July 1 could be written into the ordinance.

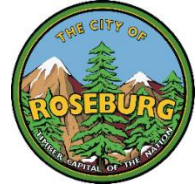
ADJOURNMENT

Mayor Rich adjourned the meeting at 8:16 p.m.

Autumn David

Autumn David
Management Staff Assistant

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



ORDINANCE NO. 3583 AMENDING RMC SECTION 7.02.140, NOISE DISTURBANCES

Meeting Date: April 24, 2023
Department: Police Department
www.cityofroseburg.org

Agenda Section: Ordinances
Staff Contact: Chief Gary Klopfenstein
Contact Telephone Number: 541-492-6760

ISSUE STATEMENT AND SUMMARY

Staff proposes to amend Roseburg Municipal Code Section 7.02.140, titled "Noise Disturbances."

BACKGROUND

A. Council Action History.

Council last authorized amendments to the Noise Disturbances ordinance in 2022.

B. Analysis.

The Police Department recently lost a Douglas County Circuit Court case related to a Noise Disturbances citation. The defendant was found guilty in Roseburg Municipal Court and appealed the case to the Douglas County Circuit Court. In Circuit Court, the defendant successfully argued that they were an "organized event," even though they did not have a permit and were using a sound amplifying device adjacent to a permitted event. In order to address this situation, staff seeks to make the below changes in red to City Ordinance 7.02.140.

C. *Exemptions. The following activities are exempt from the regulations set forth in this Section:*

1. *The use of emergency equipment required to protect life or property;*
2. *Any construction project or public improvement authorized by a government entity;*
3. *Reasonable use of public or private property or right-of-way to broadcast music or speech authorized by a loud speaker permit issued by the Police Chief upon payment of a loud speaker permit fee as set by Council resolution; and*
4. *Construction activity authorized by permit issued by the Community Development Director or their designee when special circumstances beyond a*

contractor's control requires continuous work or work beyond the times authorized in Subsection B and the Community Development Director or their designee has approved the work due to such special circumstances.

~~5.—Reasonable sound produced as a result of sporting and other organized or permitted events;~~

~~a.—Complaints will be evaluated by the Police Chief or their designee for reasonableness.~~

D. *Enforcement.* The Police Chief or their designee shall **evaluate complaints for reasonableness, and** have the authority to administer and enforce the regulations set forth in Subsections B(1), B(2), B(3), B(4) and B(5). The Community Development Director or their designee and/or the Police Chief or their designee shall have the authority to administer and enforce the regulations set forth in Subsection B and may issue a stop work order demanding that any commercial construction activity found in violation of such regulations shall be stopped immediately upon receipt of such stop work order or citation.

C. Financial/Resource Considerations.

There is no financial impact.

D. Timing Considerations.

Due to the recent Circuit Court decision, an “organized” non-permitted event cannot violate our Noise Disturbance ordinance. There are events in the near future where Police may need to utilize the Noise Disturbances ordinance for enforcement. If authorized by Council, Staff requests the ordinance amendment take effect immediately.

COUNCIL OPTIONS

Council has the following options:

- Move forward with first reading of the proposed ordinance, suspend the rules and proceed with second reading of Ordinance No. 3583, and adopt Ordinance No. 3583; or
- Modify the proposed action; or
- Do nothing.

STAFF RECOMMENDATION

Staff recommends Council proceed with first reading, suspend the rules and proceed with second reading and adoption of Ordinance No. 3583.

SUGGESTED MOTION

If Council concurs with Staff’s recommendation, Council will need to request first reading of the ordinance, after which the following motions would be appropriate:

“I MOVE TO SUSPEND THE RULES AND PROCEED WITH SECOND READING OF ORDINANCE NO. 3583, AMENDING SUBSECTION 7.02.140 OF THE ROSEBURG MUNICIPAL CODE.”

“I MOVE TO ADOPT ORDINANCE NO. 3583.”

ATTACHMENTS:

Attachment #1 - Ordinance No. 3583

ORDINANCE NO. 3583

**AN ORDINANCE AMENDING SECTION 7.02.140 OF THE ROSEBURG MUNICIPAL
CODE**

WHEREAS, Section 7.02.140 of the Roseburg Municipal Code, “Noise Disturbances,” needs updating; and

WHEREAS, the proposed amendments will aid in the prosecution of Noise Disturbances violations.

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

SECTION 1. Section 7.02.140 is hereby amended as follows:

C. Exemptions. The following activities are exempt from the regulations set forth in this Section:

- 1. The use of emergency equipment required to protect life or property;*
- 2. Any construction project or public improvement authorized by a government entity;*
- 3. Reasonable use of public or private property or right-of-way to broadcast music or speech authorized by a loud speaker permit issued by the Police Chief upon payment of a loud speaker permit fee as set by Council resolution; and*
- 4. Construction activity authorized by permit issued by the Community Development Director or their designee when special circumstances beyond a contractor's control requires continuous work or work beyond the times authorized in Subsection B and the Community Development Director or their designee has approved the work due to such special circumstances.*

~~*5. Reasonable sound produced as a result of sporting and other organized or permitted events;*~~

~~*a. Complaints will be evaluated by the Police Chief or their designee for reasonableness.*~~

D. Enforcement. The Police Chief or their designee shall evaluate complaints for reasonableness, and have the authority to administer and enforce the regulations set forth in Subsections B(1), B(2), B(3), B(4) and B(5). The Community Development Director or their designee and/or the Police Chief or their designee shall have the authority to administer and enforce the regulations set forth in Subsection B and may issue a stop work order demanding that any commercial construction activity found in

*violation of such regulations shall be stopped immediately upon receipt of such stop
work order or citation.*

ADOPTED BY THE ROSEBURG CITY COUNCIL THIS ____ DAY OF _____, 2023.

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2023.

LARRY RICH, MAYOR

ATTEST:

PATTY HITT, CITY RECORDER

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



ORDINANCE NO. 3584, GRANTING RENEWAL OF A TELECOMMUNICATIONS FRANCHISE TO FIRST COMMUNICATIONS, LLC

Meeting Date: April 24, 2023
Department: Administration
www.cityofroseburg.org

Agenda Section: Ordinances
Staff Contact: Patty Hitt
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

The City has received an application for renewal of a telecommunications franchise from First Communications, LLC located in Atlanta, GA.

BACKGROUND

A. Council Action History.

April 13, 2009, Council adopted Ordinance No. 3309 granting a telecommunications franchise agreement with First Communications, LLC.

B. Analysis.

The subject application and application processing fee were received on April 4, 2023. The provider has requested a new franchise agreement effective January 1, 2024.

C. Financial/Resource Considerations.

Under our definitions of telecommunications "provider" and telecommunication "service," First Communications, LLC is required to pay a franchise fee of 5% of the gross revenues derived from customers within the City.

D. Timing Considerations.

First Communications, LLC. began serving Roseburg on January 1, 2009, under their original franchise agreement. The fifth and final term of the original agreement expires December 31, 2023. Per Roseburg Municipal Code 9.25.100(D), after the term of the initial franchise and maximum renewals, a grantee must apply for a new franchise under the same terms and conditions as are currently in place. The application must be received not less than 180 days prior to expiration of the existing franchise. The final term of the franchise agreement with First Communications, LLC expires December 31, 2023; therefore, the deadline for the application is June 30, 2023. The effective date of the new franchise agreement will be January 1, 2024, and the initial term of the franchise is three years, with an expiration date of December 31, 2026. The ordinance will also allow renewal options of three years each, for a total of five terms.

COUNCIL OPTIONS

Council has the following options:

- Proceed with first reading of the ordinance; or
- Request additional information; or
- Do nothing.

STAFF RECOMMENDATION

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

SUGGESTED MOTION

No action required, just first reading of the ordinance.

ATTACHMENTS:

Attachment #1 – Proposed Ordinance No. 3584

Cc: First Communications, LLC.
Subject Franchise File

ORDINANCE NO. 3584

**AN ORDINANCE GRANTING RENEWAL OF A TELECOMMUNICATION
FRANCHISE TO FIRST COMMUNICATIONS, LLC EFFECTIVE
JANUARY 1, 2024**

SECTION 1. Grant of Franchise. The City of Roseburg, hereinafter called “City,” hereby grants First Communications, LLC, hereinafter called “Franchisee,” the non-exclusive right to use and occupy all public ways within the Franchise Territory, solely for the purposes described herein, for a period of three years, beginning January 1, 2024, and ending December 31, 2026, following Franchisee’s acceptance of the Franchise as provided in Section 11 of this Ordinance.

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

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

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

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

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

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

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

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

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

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

SECTION 7. Notices and Authorized Representatives.

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

If to City:

City of Roseburg
ATTN: Patty Hitt, City Recorder
900 SE Douglas
Roseburg, OR 97470
E-mail: PHitt@cityofroseburg.org

Phone: 541-492-6866

If to Franchisee:

First Communications, LLC
Parker Royster, Attorney
3575 Piedmont Rd NE Bldg 15-1550
Atlanta, GA 30305
E-mail:

parker.royster@claconnect.com

Phone: 404-835-6358

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

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

Contact Person's Name: Parker Royster, Attorney In Fact

Mailing Address: 3575 Piedmont Rd NE Bldg 15-1550, Atlanta, GA 30305

Telephone: 404-835-6358

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

SECTION 9. Representation and Warranty of Franchisee. By executing this document, Franchisee represents and warrants that it is familiar with all provisions of this

Franchise, including those contained in this Ordinance, and that it accepts and agrees to be bound by all terms, conditions and provisions set forth herein.

SECTION 10. Franchise Effective Date. Franchisee submitted an application requesting renewal of their existing telecommunications franchise and paid the application processing fee on April 4, 2023. The original franchise agreement began January 1, 2009, and will terminate December 31, 2023. The Roseburg City Council approved such request at its meeting on April 24, 2023; and hereby authorizes this Franchise to take effect January 1, 2024, and expire on December 31, 2026, provided Franchisee satisfies the acceptance requirements of Section 11 of this Ordinance.

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

ADOPTED BY THE CITY COUNCIL ON THIS ____ DAY OF _____, 2023.

APPROVED BY THE MAYOR ON THIS ____ DAY OF _____, 2023.

MAYOR

Larry Rich

ATTEST:

Patty Hitt, City Recorder

(Franchisee's Acceptance on Following Page)

FRANCHISEE'S ACCEPTANCE OF ORDINANCE NO.____. This Ordinance is hereby accepted by First Communications, LLC on this ____ day of _____, 2023.

By: _____
(Signature)

Name: _____
(Printed)

Title: _____

Date: _____

State of _____)

) ss.

County of _____)

This acceptance was signed before me on _____, 2023 by,
_____ as _____ of First
Communications, LLC.

Notary Public for _____

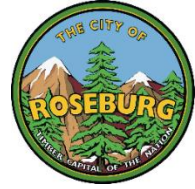
Name: _____

My commission expires on: _____

.....
Acceptance received by City Recorder on _____, 2023.

Patty Hitt, City Recorder

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



ORDINANCE NO. 3585, GRANTING RENEWAL OF A TELECOMMUNICATIONS FRANCHISE TO LIGHTSPEED NETWORKS, INC. DBA LS NETWORKS

Meeting Date: April 24, 2023
Department: Administration
www.cityofroseburg.org

Agenda Section: Ordinances
Staff Contact: Patty Hitt
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

The City has received an application for renewal of a telecommunications franchise from LightSpeed Networks, Inc. DBA LS Networks located in Portland, Oregon.

BACKGROUND

A. Council Action History.

April 13, 2009: Council adopted Ordinance No. 3307 granting a telecommunications franchise agreement with LightSpeed Networks, Inc. DBA LS Networks.

B. Analysis.

The subject application and application processing fee were received on April 6, 2023. The provider has requested a new franchise agreement effective January 1, 2024.

C. Financial/Resource Considerations.

Under our definitions of telecommunications "provider" and telecommunication "service," LightSpeed Networks, Inc. DBA LS Networks is required to pay a franchise fee of 5% of the gross revenues derived from customers within the City.

D. Timing Considerations.

LightSpeed Networks, Inc. DBA LS Networks began serving Roseburg in January of 2009 under their original franchise agreement. The fifth and final term of the original agreement expires December 31, 2023. Per Roseburg Municipal Code 9.25.100(D), after the term of the initial franchise and maximum renewals, a grantee must apply for a new franchise under the same terms and conditions as are currently in place. The application must be received not less than 180 days prior to expiration of the existing franchise. The final term of the franchise agreement with LS Networks expires December 31, 2023; therefore, the deadline for the application is June 30, 2023. The effective date of the new franchise agreement will be January 1, 2024, and the initial term of the franchise is three years, with an expiration date of December 31, 2026. The ordinance will also allow renewal options of three years each, for a total of five terms.

COUNCIL OPTIONS

Council has the following options:

- Proceed with first reading of the ordinance; or
- Request additional information; or
- Do nothing.

STAFF RECOMMENDATION

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

SUGGESTED MOTION

No action required, just first reading of the ordinance.

ATTACHMENTS:

Attachment #1 – Proposed Ordinance No. 3585

Cc: LightSpeed Networks, Inc. DBA LS Networks
Subject Franchise File

ORDINANCE NO. 3585

**AN ORDINANCE GRANTING RENEWAL OF A TELECOMMUNICATION
FRANCHISE TO LIGHTSPEED NETWORKS, INC. dba LS NETWORKS EFFECTIVE
JANUARY 1, 2024**

SECTION 1. Grant of Franchise. The City of Roseburg, hereinafter called “City,” hereby grants Lightspeed Networks, Inc., an Oregon corporation dba LS Networks, hereinafter called “Franchisee,” the non-exclusive right to use and occupy all public ways within the Franchise Territory, solely for the purposes described herein, for a period of three years, beginning January 1, 2024, and ending December 31, 2026, following Franchisee’s acceptance of the Franchise as provided in Section 11 of this Ordinance.

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

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

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

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

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

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

B. Payment. All payments due hereunder shall be paid to the City of Roseburg by check or money order delivered to the address of the City for notices as set forth herein.

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

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

SECTION 7. Notices and Authorized Representatives.

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

If to City:

City of Roseburg
ATTN: Patty Hitt, City Recorder
900 SE Douglas
Roseburg, OR 97470
E-mail: asowa@cityofroseburg.org
Phone: 541-492-6866

If to Franchisee:

Lightspeed Networks, Inc.
ATTN: Leslie Boro
921 SW Washington St., Suite 210
Portland, OR 97205
E-mail: contracts@lsnetworks.net
Phone: 503-294-5300

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

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

Contact Person's Name: Leslie Boro

Mailing Address: 921 SW Washington St., Suite 210, Portland, OR 97205

Telephone: 503-294-5300

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

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

SECTION 10. Franchise Effective Date. Franchisee submitted an application requesting renewal of their existing telecommunications franchise and paid the application processing fee on April 6, 2023. The original franchise agreement began January 1, 2009 and will terminate December 31, 2023. The Roseburg City Council approved such request at its meeting on April 24, 2023; and hereby authorizes this Franchise to take effect January 1, 2024 and expire on December 31, 2026, provided Franchisee satisfies the acceptance requirements of Section 11 of this Ordinance.

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

ADOPTED BY THE CITY COUNCIL ON THIS ___ DAY OF _____, 2023.

APPROVED BY THE MAYOR ON THIS ___ DAY OF _____, 2023.

MAYOR

Larry Rich

ATTEST:

Patty Hitt, City Recorder

(Franchisee's Acceptance on Following Page)

ORDINANCES C
ATTACHMENT #1

FRANCHISEE'S ACCEPTANCE OF ORDINANCE NO. _____. This Ordinance is hereby accepted by Lightspeed Networks, Inc. on this _____ day of _____, 2023.

By: _____
(Signature)

Name: _____
(Printed)

Title: _____

Date: _____

State of _____)

) ss.

County of _____)

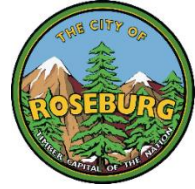
This acceptance was signed before me on _____, 2023 by,
_____ as _____ of Lightspeed
Networks, Inc.

Notary Public for _____
Name: _____
My commission expires on: _____

.....
Acceptance received by City Recorder on _____, 2023.

Patty Hitt, City Recorder

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



VINE STREET MAIN REPLACEMENT – 23WA04 HOOKER ROAD MAIN EXTENSION – 23WA05 CONSTRUCTION BID AWARD

Meeting Date: April 24, 2023
Department: Public Works
www.cityofroseburg.org

Agenda Section: Department Items
Staff Contact: Dawn Easley, PW Director
Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

The City received bids for the Vine Street Main Replacement Project and the Hooker Road Main Extension Project. These two projects were combined into one bid package. The issue for Council is whether to award the construction contract.

BACKGROUND

A. Council Action History.
None.

B. Analysis.

The Vine Street Main Replacement Project replaces approximately 565 LF of existing 4-inch diameter cast iron water main installed circa 1954 with new 8-inch ductile iron main and installs a new fire hydrant. The main has reached the end of its useful service life and has been identified in the City's 2010 Water System Master Plan for replacement.

The Hooker Road Main Extension Project extends an existing 6-inch diameter ductile iron water main approximately 1,200 LF with new 8-inch ductile iron main and adds a new fire hydrant. Four homes on Hooker Road have water service connections located at the north end of Hooker Road, and each residence has a long private side service connection. Currently, the services are supplied by a temporary water line that crosses under the railroad tracks and is fed by the transmission main on Stephens Street. The project will abandon the temporary water line, provide residents the opportunity to be served by a water main fronting their residence, and improve fire protection on Hooker Road.

The project was advertised for bid on February 16, 2023. Bids were received on March 9, 2023. Six bids were received, and they are summarized below.

#	Bidder	Total Bid Amount
1	Cradar Enterprises, Inc.	\$ 309,735.00
2	Black Pearl Paving and Excavating	\$ 381,875.00
3	Knife River Materials	\$ 392,985.00
4	JRT Construction	\$ 422,145.00
5	Jesse Rodriguez Construction	\$ 429,259.00
6	Laskey-Clifton Corporation	\$ 472,496.90
	<i>Engineer's Estimate</i>	<i>\$ 406,825.00</i>

C. Financial/Resource Considerations.

The FY 2022-23 Water Fund budget includes funding for this project. The total project costs are estimated below:

Construction	\$ 309,735.00
Contingency (7.5%)	<u>\$ 23,230.13</u>
Total	\$ 332,965.13

D. Timing Considerations.

The contractor is allowed 120 days to complete the project. If awarded, the Notice to Proceed will be issued in May.

COUNCIL OPTIONS

The Council has the following options:

1. Award the contract to the lowest responsible bidder, Cradar Enterprises, Inc., for \$309,735.00; or
2. Request additional information; or
3. Reject all bids.

STAFF RECOMMENDATION

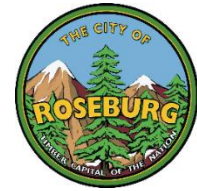
Funds have been budgeted and are available to construct the project. The bid appears to be both responsive and responsible. The Public Works Commission discussed this project at their April 13, 2023, meeting and unanimously recommended awarding the project to the lowest responsible bidder, Cradar Enterprises, Inc., for \$309,735.00. Staff concurs with this recommendation.

SUGGESTED MOTION

"I MOVE TO AWARD THE VINE STREET MAIN REPLACEMENT AND HOOKER ROAD MAIN EXTENSION PROJECTS TO THE LOWEST RESPONSIBLE BIDDER, CRADAR ENTERPRISES, INC., FOR \$309,735.00."

ATTACHMENTS:

None



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

CALKINS/TROOST/HARVARD STORM IMPROVEMENT PROJECT CONTRACT AWARD RECOMMENDATION – 22GR20

Meeting Date: April 24, 2023
Department: Public Works
www.cityofroseburg.org

Agenda Section: Department Items
Staff Contact: Dawn Easley, PW Director
Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

The City received construction bids for the Calkins/Troost/Harvard Storm Improvement Project. The issue for Council is whether to award the construction contract.

BACKGROUND

A. Council Action History.

On March 28, 2022, Council awarded a consulting services contract to i.e. Engineering to complete the design and bidding phase of the project. On April 25, 2022, the Council authorized the City Manager to execute the State of Oregon Coronavirus State Fiscal Recovery Grant agreement.

B. Analysis.

The City of Roseburg experiences stormwater drainage deficiencies in three separate areas. They include Northwest Troost Street north of Northwest Calkins Avenue, the 2100 block of Northwest Calkins Avenue west of Troost Street, and West Harvard Avenue between Northwest Kenwood Street and West Pilger Street. The storm drainage system in these areas is undersized and fragmented in a system of pipes and open ditches. In some instances, the system crosses private property in open ditches or is piped under homes or structures. These three problem areas have been combined into one project.

This project totals approximately 3,750 lineal feet of storm drainage improvements to capture and re-route stormwater within City rights-of-way. These deficiencies are identified for improvement in the 2011 Roseburg Storm Water Master Plan.

The project was advertised on February 23, 2023. Bids were opened on March 28, 2023. Four (4) bids were received and are outlined below.

#	Bidder	Total Bid Amount
1	Black Pearl Paving & Excavation	\$1,277,415.00
2	Cradar Enterprises	\$1,301,139.00
3	JRT Construction	\$1,588,111.25
4	Knife River Materials	\$2,398,610.00
	Engineer's Estimate	\$1,460,600.00

C. Financial/Resource Considerations.

The City of Roseburg received \$1,570,064 from the state through the Coronavirus State Fiscal Recovery Grant Program to fund this project. The project costs are estimated below.

Construction	\$ 1,277,415.00
Contingency (7.5%)	\$ 95,806.00
CM Support and Inspection	\$ 97,975.00
Total	\$ 1,471,196.00

D. Timing Considerations.

The grant requires project completion prior to September of 2026. If awarded at the April 24 meeting, the Notice to Proceed will be issued in May. The contract requires the project to be completed by November 17, 2023.

COUNCIL OPTIONS

The Council has the following options:

1. Award the contract to the lowest responsible bidder, Black Pearl Paving & Excavation; or
2. Request additional information; or
3. Reject all bids.

STAFF RECOMMENDATION

Funds have been budgeted and are available to construct the project. The bid appears to be both responsive and responsible. The Public Works Commission discussed this project at their April 13, 2023, meeting, and unanimously recommended awarding the project to the lowest responsible bidder, Black Pearl Paving & Excavation, for \$1,277,415.00. Staff concurs with this recommendation.

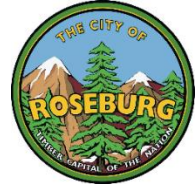
SUGGESTED MOTION

"I MOVE TO AWARD THE CALKINS/TROOST/HARVARD STORM IMPROVEMENT PROJECT TO THE LOWEST RESPONSIBLE BIDDER, BLACK PEARL PAVING & EXCAVATION, FOR \$1,277,415.00."

ATTACHMENTS:

None

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



SE STEPHENS STREET/SE PINE STREET WATER MAIN REPLACEMENT PROJECT 23WA12 TASK ORDER NO. 1 AUTHORIZATION

Meeting Date: April 24, 2023
Department: Public Works
www.cityofroseburg.org

Agenda Section: Department Items
Staff Contact: Dawn Easley, PW Director
Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

Staff completed a qualifications-based selection process for design and engineering services for the Water Distribution Main Replacement Program. The issue for Council is whether to authorize Task Order No. 1 for design through bidding services for water distribution main replacement on SE Stephens Street and SE Pine Street.

BACKGROUND

A. Council Action History.

On January 9, 2023, Council awarded a Five-Year Design and Engineering Services contract for the Water Distribution Main Replacement Program to Century West Engineering with the understanding that each task order would be negotiated based on the work to be accomplished.

B. Analysis.

Task Order No. 1 is for the design of a water distribution main replacement project on SE Stephens Street and SE Pine Street. The proposed project SE Stephens Street replaces approximately 2,700 feet of 6-inch diameter cast iron water main installed circa 1930s with new 12-inch ductile iron main between SE Sykes Avenue and SE Oak Avenue. This main has reached the end of its useful service life and is in need of replacement. This work also precedes an upcoming grind inlay pavement project scheduled for 2025. This work includes the installation of new fire hydrants and service connections.

The project on SE Pine Street replaces approximately 2,700 feet of 6-inch diameter cast iron water main circa 1930s with new 8-inch ductile iron main between SE Sykes Avenue and SE Oak Avenue. This main has reached the end of its useful service life and is in need of replacement. This work includes the installation of new fire hydrants and service connections.

Work also includes inter-block designs to replace approximately 300 feet of 8-inch cast iron water main installed circa 1954 on SE Mosher Avenue between SE Pine Street and

SE Stephens Street and 300 feet of 6-inch diameter cast iron water main with new 8-inch ductile iron on SE Cass Avenue between SE Pine Street and SE Stephens Street.

C. Financial/Resource Considerations.

Task Order No. 1 for design and bidding services has been negotiated with Century West Engineering at a cost not to exceed \$151,011.00. Funds are available in the current year budget to proceed with this task order. The draft FY 23-24 Water Fund budget includes funding to complete design of this project.

D. Timing Considerations.

If authorized, notice to proceed will be issued as soon as practical. Century West Engineering estimates six months to complete the project's design and bidding services phase.

COUNCIL OPTIONS

The Council has the following options:

1. Authorize Task Order No. 1 for design and bidding services for the water main replacement on SE Stephens Street and SE Pine Street; or
2. Request additional information; or
3. Not authorize this task order.

STAFF RECOMMENDATION

The Public Works Commission discussed this task order at their April 13, 2023, meeting. The Commission unanimously recommended authorizing Task Order No. 1 with Century West Engineering for design and bidding services for the water main replacement on SE Stephens Street and SE Pine Street at a cost not to exceed \$151,011.00. Staff concurs with this recommendation.

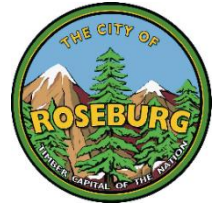
SUGGESTED MOTION

"I MOVE TO AUTHORIZE TASK ORDER NO. 1 WITH CENTURY WEST ENGINEERING FOR DESIGN AND BIDDING SERVICES FOR THE WATER MAIN REPLACEMENT ON SE STEPHENS STREET AND SE PINE STREET AT A COST NOT TO EXCEED \$151,011.00."

ATTACHMENTS:

None

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



CITY MANAGER ACTIVITY REPORT

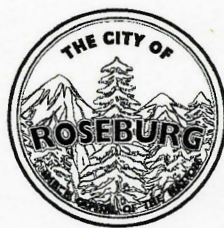
Meeting Date: April 24, 2023
Department: Administration
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

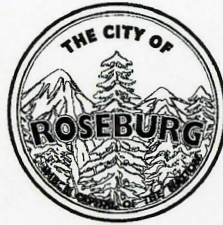
At each meeting, the City Manager provides the City Council with a report on the activities of the City, along with an update on operational/personnel related issues which may be of interest to the Council. These reports shall be strictly informational and will not require any action on the Council's 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 April 24, 2023, meeting, the following items are included:

- Department Head Meeting Agendas
- Tentative Future Council Agenda Items



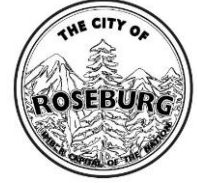
Agenda
Department Head Meeting
Public Safety Center Umpqua Room
April 11, 2023 - 10:00 a.m.

1. April 10, 2023 City Council Meeting Synopsis
2. April 24, 2023 City Council Meeting Agenda
3. Review Tentative Future Council Meeting Agendas
4. Documents, Events, or Grants to review and/or sign
 - A. Facilities Use Permit: Roseburg Cars & Coffee – Car Show – April 16, 2023
 - B. Community Event Application - Graffiti Night Cruise – July 8, 2023
5. Discussion Items



Agenda
Department Head Meeting
Public Safety Center Umpqua Room
April 17, 2023 - 10:00 a.m.

1. April 17, 2023, City Council Work Study Agenda
2. April 24, 2023, City Council Meeting Agenda
3. Review Tentative Future Council Meeting Agendas
4. Documents, Events, or Grants to review and/or sign
 - A. Loudspeaker Permit – 420 Sale at FX420 – April 20, 2023
 - B. Loudspeaker Permit – Graffiti – July 7, 2023
5. Discussion Items



TENTATIVE FUTURE COUNCIL AGENDA

Unscheduled

- 2023-2025 Council Goals
- Labor Negotiations – IAFF/IBEW
- Urban Growth Boundary Swap
- Umpqua Basin Urban Services Agreement
- ARPA Quarterly Reports
- Highway 138 Water Line Replacement, Project No. 22WA16

May 8, 2023

Mayor Reports

- A. EMS Week Proclamation
- B. National Public Works Week Proclamation

Consent Agenda

- A. April 24, 2023 Meeting Minutes

Public Hearing

- A. Sale of Real Property – 418 SE Leland

Ordinances

- A. Ordinance No. 3586: Time, Place and Manner, First Reading
- B. Ordinance No. 3583: Amendment to Noise Ordinance, Second Reading
- C. Ordinance No. 3584: Renewal of Telecommunications Franchise Agreement to First Communications, LLC, Second Reading
- D. Ordinance No. 3585: Renewal of Telecommunications Franchise Agreement to LightSpeed Networks, Inc. dba LS Networks, Second Reading

Informational

- A. City Manager Activity Report

May 22, 2023

Mayor Reports

- A. Pride Month Proclamation
- B. 2022 Roseburg Optimist Club Officer of the Year -

Consent Agenda

- A. May 8, 2023 Meeting Minutes

Resolutions

- A. Annual Fee Adjustment
- B. Resolution No. 2023- -- - General Fees
- C. Resolution No. 2023- -- - Water Related Fees

Ordinances

- A. Ordinance No. 3586: Time, Place and Manner, Second Reading

Informational

- A. City Manager Activity Report

June 12, 2023

Mayor Reports

- A. Camp Millennium Week Proclamation
- B. Juneteenth Independence Day Proclamation

Consent Agenda

- A. May 22, 2023 Meeting Minutes

Public Hearing

- A. Resolution No. 2023- -- - 2023-2024 Budget Adoption

Department Items

A. Bid Award – Slurry Seal, Project No. --
Informational

A. City Manager Activity Report

Roseburg Urban Renewal Agency Board Meeting

Consent Agenda

A. Minutes of previous meeting

Public Hearing

A. Resolution No. UR2023--- - 2023-2024 Budget Adoption

June 26, 2023

Mayor Reports

A.

Special Presentation

A. Anvil NW, Experience Roseburg, Destination Marketing Annual Report

Consent Agenda

A. June 12, 2023 Meeting Minutes

Department Items

A. Three Bid Awards --

Informational

A. City Manager Activity Report

July 10, 2023

Mayor Reports

A. Parks and Recreation Month Proclamation

Special Presentation

A. Gary Leif Navigation Center One-Year Report

Consent Agenda

A. June 26, 2023 Meeting Minutes

Executive Session ORS 192.660(2)(i) – City Manager Report/Evaluation

Informational

A. City Manager Activity Report

July 24, 2023

Consent Agenda

A. July 10, 2023 Meeting Minutes

Department Items

A. Bid Award – Orange Plastic Pipe, *if budget is approved*

Informational

A. City Manager Activity Report

B. Municipal Court Quarterly Report

August 14, 2023

Consent Agenda

A. July 24, 2023 Meeting Minutes

Informational

A. City Manager Activity Report

B. Quarterly Financial Report

August 28, 2023

Consent Agenda

A. August 14, 2023 Meeting Minutes

Executive Session ORS 192.660(2)(i) – City Manager Performance Evaluation

September 11, 2023

- Mayor Reports
A. Constitution Day and Week Proclamation
Consent Agenda
A. August 28, 2023 Meeting Minutes
Informational
A. City Manager Activity Report

September 25, 2023

- Consent Agenda
A. September 11, 2023 Meeting Minutes
Informational
A. City Manager Activity Report

October 9, 2023

- Consent Agenda
A. September 25, 2023 Meeting Minutes
Informational
A. City Manager Activity Report

October 23, 2023

- Mayor Reports
A. Veterans Day Proclamation
Consent Agenda
A. October 9, 2023 Meeting Minutes
Informational
A. City Manager Activity Report

November 13, 2023

- Consent Agenda
A. October 23, 2023 Meeting Minutes
Informational
A. City Manager Activity Report

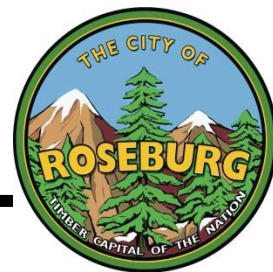
December 11, 2023

- Consent Agenda
A. November 13, 2023 Meeting Minutes
Informational
A. City Manager Activity Report

City of Roseburg, Oregon

Quarterly Financial Report

3rd Quarter, Fiscal-Year 2022-2023



March 2023

The *Quarterly Financial Report* summarizes the City of Roseburg’s financial position for the General Fund, major operating funds, proprietary funds, and Urban Renewal funds through the 3rd quarter of fiscal year 2022-2023.

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

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

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

This financial report includes the quarter ending March 2022 for comparison purposes.

OVERVIEW:

- \$14.7 million General Fund balance.
- 5.9% Douglas County seasonally adjusted unemployment rate.
- 3.75% state investment pool interest rate.
- 5.1% Year-over-Year CPI-U West Region for March, 2023.
- Award Five-Year Design & Engineering Services contract to Century West Engineering.
- Authorize \$80,250 of ARPA funds for fifteen Flock Safety Cameras .
- Authorize use of ARPA funding for Council Chambers A/V, IT Network, and City Radio System upgrades.

GENERAL FUND

General Fund	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 27,467,830	\$ 23,813,175	87%	\$ 23,078,374
Expenditures	29,286,896	19,666,768	67%	19,300,061
Balance-July 1	10,080,765	10,597,061	105%	9,988,809
Balance YTD	\$ 8,261,699	\$ 14,743,468		\$ 13,767,122

GENERAL FUND REVENUE

General Fund Revenue	Budget	YTD Actual	%	Prior Year Actual
Property Taxes	\$ 18,164,100	\$ 16,961,195	93%	\$ 16,602,388
Other Taxes	500,000	289,922	58%	257,309
Licenses, Permits, Fees	3,276,350	2,122,624	65%	2,126,695
Charges for Services	4,353,780	3,165,144	73%	3,126,979
Intergovernmental	1,058,600	948,577	90%	834,388
Interest	55,000	264,102	480%	42,282
Miscellaneous	60,000	61,611	103%	88,333
Total Revenues	\$ 27,467,830	\$ 23,813,175	87%	\$ 23,078,374

Property Taxes — The majority of property tax revenue is collected in November and December. At the end of March, 93% of the 18.1 million budgeted has been collected.

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

Other Taxes – Includes all other City imposed taxes. Currently, only the City’s 3% marijuana tax is reported here.

Licenses, Permits, and Fees—Includes utility franchise fees, planning fees, park fees, and various other fees. At the end of the quarter, 65% of the \$3.2 million budgeted annual revenue from licenses, permits and fees has been collected.

Charges for Services—Besides interdepartmental charges, charges for services includes: fines, service area fees, fire suppression and prevention fees, administrative and lien search fees. Year to date court fines total \$203,647, service area fees total \$244,544 and interdepartmental charges total \$2,606,465.

Intergovernmental Revenues are primarily state collected taxes allocated to cities on a per capita basis and include revenue sharing, tobacco, marijuana and liquor, 90% of the \$1,058,600 budgeted for intergovernmental revenue has been collected during the current fiscal year.

Interest Revenue—Interest revenue of \$264,102 is \$221,820 more than the same period a year ago. The average portfolio rate is 3.75%.

GENERAL FUND EXPENDITURES

The following tables detail expenditures by department and major categories. Current year General Fund expenditures of \$19,666,768 represent 67% of budgeted annual expenditures.

Year to date expenditures are \$366,707 more than the same period a year ago. The General Fund ending fund balance is \$14,743,468.

By Organizational Unit	Budget	YTD Actual	%	Prior Year Actual
City Manager	\$ 1,384,232	\$ 978,671	71%	\$ 828,721
Finance & Mgmt	1,686,158	1,059,738	63%	1,102,050
Community Develop.	953,132	532,317	56%	651,939
Library	572,487	400,402	70%	371,927
Public Works	3,994,139	2,425,391	61%	2,309,106
Parks & Recreation	2,021,019	1,217,952	60%	1,261,702
Municipal Court	549,585	392,760	71%	389,199
Police	8,717,880	5,574,141	64%	5,569,209
Fire	8,258,764	6,038,276	73%	5,750,418
Capital & Other	1,149,500	1,047,120	91%	1,065,790
Total	\$ 29,286,896	\$ 19,666,768	67%	19,300,061

By Major Category	Budget	YTD Actual	%	Prior Year Actual
Personnel Services	\$ 23,222,458	\$ 15,487,732	67%	\$ 15,584,714
Materials & Service	4,914,938	3,131,916	64%	2,649,557
Capital & Other	1,149,500	1,047,120	91%	1,065,790
Total	\$ 29,286,896	\$ 19,666,768	67%	\$ 19,300,061

MAJOR GOVERNMENTAL FUNDS

SPECIAL REVENUE FUNDS

URBAN RENEWAL GENERAL FUND

Urban Renewal - General	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 582,559	\$ 609,106	105%	\$ 504,451
Expenditures:				
Operations	-	-	0%	-
Transfers	600,000	600,000	100%	400,000
Balance-July 1	447,620	441,150	99%	318,370
Balance YTD	\$ 430,179	\$ 450,256		\$ 422,821

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

CAPITAL PROJECTS FUNDS

EQUIPMENT REPLACEMENT FUND

Equipment	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 825,000	\$ 863,802	105%	\$ 832,400
Expenditures:				
Operations	144,000	28,800	20%	-
Capital	492,900	318,303	65%	72,904
Balance-July 1	1,568,474	1,735,340	111%	983,474
Balance YTD	\$ 1,756,574	\$ 2,252,039		\$ 1,742,970

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

Year to date purchases include \$28,800 for conducted energy weapons, \$91,695 parks vehicles, \$11,645 lite board for streets, \$17,625 turnout extractor for fire, \$28,573 gator for parks, \$85,647 for parks Bobcat, \$47,333 for police Ford F150, and \$35,784 for police unmarked vehicle.

FACILITIES REPLACEMENT FUND

Facilities	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 112,500	\$ 123,075	109%	\$ 100,965
Expenditures:				
Operations	36,313	12,095	33%	13,161
Capital	120,000	51,839	43%	32,517
Balance-July 1	274,285	290,593	106%	243,869
Balance YTD	\$ 230,472	\$ 349,734		\$ 299,156

The Facilities Replacement Fund ending fund balance at March 31, 2023 is \$349,734.

TRANSPORTATION FUND

Transportation	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 2,625,263	\$ 1,785,913	68%	\$ 3,728,673
Expenditures:				
Operations	1,471,934	1,039,399	71%	972,947
Capital	1,205,000	1,156,154	96%	679,161
Transfers	10,000	10,000	100%	10,000
Balance-July 1	4,424,675	4,658,057	105%	2,301,732
Balance YTD	\$ 4,363,004	\$ 4,238,417		\$ 4,368,297

Transportation Fund revenues are from state gas taxes, transportation SDC's, federal STP funds and franchise fees. Beginning in 2011, 15% of utility franchise fees are directed to the Transportation Fund for the City's pavement management program. \$540,063 is budgeted in the current year for franchise fee revenue.

Capital Expenditures of \$1,068,482 is attributed to the Pavement Management for Overlays, \$66,324 for the Parker Road Bridge Replacement, and \$21,348 for the Mosher Avenue Railroad Crossing.

URBAN RENEWAL CAPITAL FUND

Urban Renewal - Capital	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 603,200	\$ 614,974	102%	\$ 401,893
Expenditures:				
Operation	232,602	182,086	78%	141,064
Capital	200,000	-	0%	-
Balance-July 1	603,309	604,411	100%	366,347
Balance YTD	\$ 773,907	\$ 1,037,299		\$ 627,176

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

ENTERPRISE FUNDS

STORM DRAINAGE FUND

Storm Drain	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 4,159,344	\$ 2,083,332	50%	\$ 1,909,772
Expenditures:				
Operations	990,908	689,206	70%	689,967
Capital	2,767,500	233,987	8%	372,812
Balance-July 1	5,604,120	5,793,839	103%	4,777,985
Balance YTD	\$ 6,005,056	\$ 6,953,978		\$ 5,624,978

The Storm Drain Fund accounts for the revenues and

operations of the storm drainage system. Year to date user charges of \$1,842,906 are the principal source of revenues.

Year to date Storm Drain Fund capital expenditures include \$71,835 for the Calkins-Troost-Harvard Storm Replacement, \$34,603 for Fulton Shop Roof Replacement, \$49,428 for 2022 Storm TMDL Improvement, \$729 for Storm Pipe Rehab Vine & Alameda, \$10,600 for Tandem Axle Trailer, and \$66,792 for the Mini Hydraulic Excavator.

WATER SERVICE FUND

Water	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 7,853,392	\$ 5,779,057	74%	\$ 5,734,921
Expenditures:				
Operations	5,497,025	3,551,113	65%	3,452,259
Capital	5,270,000	2,725,372	52%	3,595,317
Balance-July 1	10,346,471	10,529,556	102%	12,312,047
Balance YTD	\$ 7,432,838	\$10,032,128		\$ 10,999,392

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

Year to date Water Fund revenues of \$5,779,057 is primarily from charges for services. Revenues are \$44,136 more than the prior year.

The ending fund balance at March 31st is \$10,032,128.

OFF STREET PARKING FUND

Off Street Parking	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 311,300	\$ 82,698	27%	\$ 29,169
Expenditures:				
Operations	300,568	89,476	30%	48,594
Balance-July 1	45,615	10,470	23%	45,238
Balance YTD	\$ 56,347	\$ 3,692		\$ 25,813

Off Street Parking enforcement services were restored under a new third-party contract beginning January 1, 2022. After a community educational outreach period, active enforcement that includes ticket writing began in full force April 1, 2022.

Year to date expenditures for Ace Parking & Mobility Solutions in the amount of \$75,887 were paid for through the American Rescue Plan and not included in Off Street Parking Fund.

The ending fund balance at March 31st is \$3,692.

AIRPORT FUND

Airport	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 1,050,008	\$ 320,424	31%	\$ 314,910
Expenditures:				
Operations	248,493	169,382	68%	164,533
Capital	713,000	147,154	21%	24,468
Debt Service	108,855	11,097	10%	12,081
Balance-July 1	854,243	849,039	99%	758,987
Balance YTD	\$ 833,903	\$ 841,830		\$ 872,815

Current year Airport revenues include user charges of \$302,395.

INTERNAL SERVICE FUND

WORKERS’ COMPENSATION FUND

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

Worker's Comp.	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 230,872	\$ 172,504	75%	\$ 162,237
Expenditures:				
Operations	420,700	305,703	73%	201,130
Balance-July 1	927,091	937,890	101%	968,069
Balance YTD	\$ 737,263	\$ 804,691		\$ 929,176

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

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

ECONOMIC OUTLOOK

The March 2023 *Oregon Economic and Revenue Forecast* issued by the Office of Economic Analysis (OEA) states that “Either the economic storm clouds have parted, or we are in the eye of the hurricane. Any near-term recession fears of forecasters are fading with each month of somewhat lower inflation and the continued economic boom. However, the Federal Reserve must still navigate the choppy waters of a tight labor market, fast wage growth, easing financial conditions, and strong household finances and consumer spending. All of these are likely to keep the underlying trend in inflation above the Fed’s two percent target for the foreseeable future.”

“As of today, the baseline forecast is for the soft landing and continued economic expansion. That said, the economy is still in rough waters. The sailing will be far from smooth. Ultimately it remains an uncomfortably high likelihood that the needed future interest rate increases to truly cool inflation will capsiz the economy at some future date. But the combination of the clear near-term strength in the economy, and the uncertainty surrounding the exact timing of a potential recession makes doing so this far in advance challenging, if not impossible.”

Reasons for Economic Optimism

Inflation has Slowed in Recent Months

“There is no question that inflation, and how the Federal Reserve responds, remains the key macroeconomic issue to watch. . . . there have been four months of relatively slower inflation in a row. This slowing began with the October Consumer Price index data . . . This relatively slower inflation has now run through the just released January 2023 CPI data.”

“The two main takeaways from the recent inflation data are that inflation remains both too high relative to the Fed’s target and it has also slowed noticeably. While the former points toward an ongoing need for future interest rate increases that could drive future recessionary dynamics, it’s the latter that helps improve the near-term economic outlook. A few months of slower inflation helps buy the economy time to continue to readjust to its post-pandemic life. Even if the future need for further rate increases ultimately outweighs the recent slowdown in inflation is more long-lasting and sustained, a true economic soft landing is increasingly likely. Neither a recession nor a soft landing scenario are a slam dunk today as both remain plausible.”

“Ultimately the Federal reserve remains in a difficult position. It raised considerably in 2022, and is now taking more of a wait and see approach. The Fed expects to raise interest rates one or two more times, but these will just be following through on previously built expectations last year. Historically the impact of past interest rate increases takes time before it cools the economy. And so the Fed today is largely waiting for those lagged impacts to kick in and slow economic growth.”

“That said, the current underlying strength in the economy – in terms of jobs, income, and consumer spending will likely keep upward pressure on inflation. There is no wage-price spiral, but this economic strength continues to point toward wage-price persistence, were inflation remains above target for the foreseeable future. That is the Fed has more work to do once inflation firms well above target. As such, the Fed is likely to stick to the higher

for longer script, which means interest rates increases above and beyond what they are currently projecting, and/or holding interest rates higher for longer period of time. Should this forecast prove accurate it is an open question as to the timing of when the Fed will adjust its policy stance. Depending on the data, it could be as early as this spring or as late as this fall.”

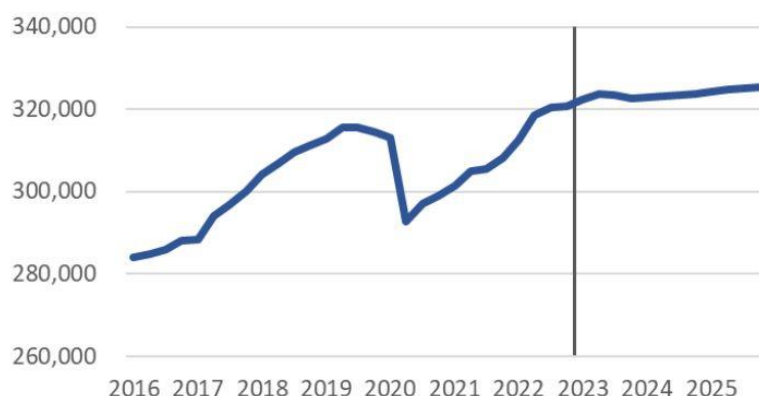
Economy has Survived the Goods Recession (So Far)

Higher interest rates work to slow the economy as consumers and businesses slow their spending on activities and items they typically finance. For consumers this means fewer purchases of big-ticket durable goods to like appliances, cars, computers, and homes. For firms this means fewer expansions and less investment. And throughout much of 2022 these dynamics started to take place. Consumer spending on goods flat lined overall, overloaded today. Indicators of manufacturing activity also weakened to end the year as well. These measures tend to be traditional leading indicators of the economy – our office uses housing permits, industrial production, and the manufacturing purchasing managers index in our Oregon Index of leading indicators. And yet the economy is not, or at least not yet in recession.”

“A key reason why the recessionary impacts are not being felt today is the lack of layoffs. The slowdown in consumer spending and even economic activity has yet to lead to declines in employment in goods-producing industries like natural resources, construction, and manufacturing. It is possible that these impacts are simply delayed, and layoffs are coming in the months or quarters ahead. However there are reasons for near-term optimism, or at least until interest rates rise even further later this year.”

Goods-Producing Industries in Oregon

Employment in Natural Resources, Construction, and Manufacturing



Latest Data: 2024q4 | Source: Oregon Office of Economic Analysis

“The main reason for the lack of layoffs to date is the backlog of orders firms are still working through. While new housing starts and new home sales declined considerably in 2022, due to big increase in sales in 2021 and supply chain struggles, builders were still working through previous sales to complete homes. Historically speaking, there are many more housing units currently under construction yet not finished than there typically are. As such, there has been no slowdown in construction activity due to the backlog, even as new sales and new housing starts entering the pipeline have fallen.”

“A similar story can be told for manufacturing where the backlog has been large enough to keep production up even as sales slow. Normally this would simply be a timing issue where layoffs and production declines follow, but the rebound in consumer spending in early 2023 appears to be temporary and not the start of further declines. Plus inventory to sales ratios for many retailers are normalizing, indicating firms will begin ordering more product in the near future, which supports continued manufacturing and production operations.”

Labor Market Remains Strong

“The labor market is not traditionally a leading indicator, but its ongoing strength points toward continued growth in the near-term. Or at least its ongoing strength should help alleviate any lingering 2022, or early 2023 recession fears.”

“Now, there may be isolated pockets of weakness when it comes to large layoff announcements among software firms, or employment declines in mortgage banking due to higher interest rates. However, these are not indicative of the overall health of the economy and labor market. In fact, initial claims for unemployment insurance in Oregon are at or near record lows for this time of year. The same can be said for continuing claims, a measure of how quickly unemployed workers are able to find jobs once they lose their previous one.”

Oregon Initial Claims

Weekly initial claims for unemployment insurance, not seasonally adjusted



Source: U.S. Dept of Labor, Oregon Employment Dept, Oregon Office of Econ Analysis

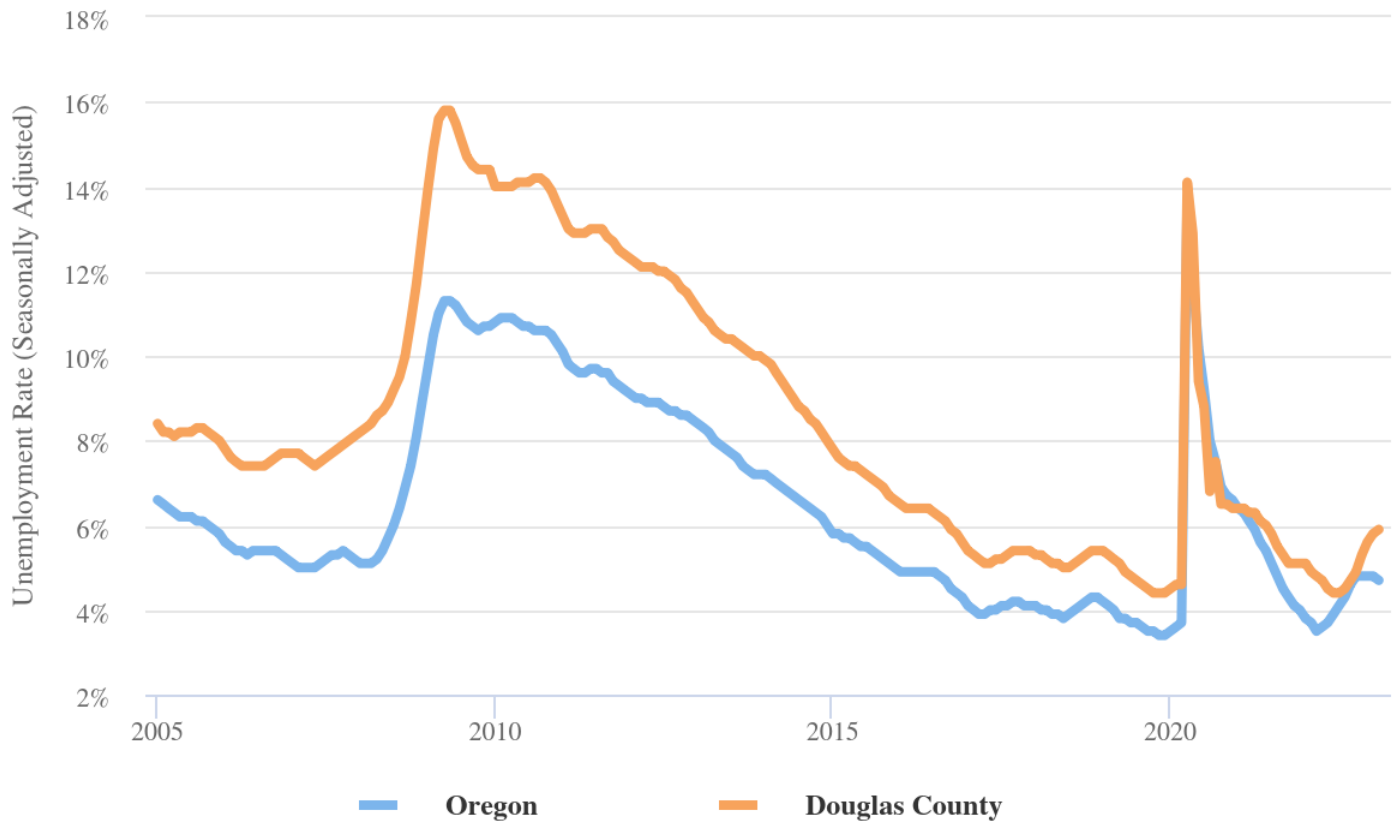
“The labor market remains tight for both cyclical and structural reasons. The cyclical reason is the economy is strong, and nearly everyone who wants a job, has a job. Employment rates for prime working-age Oregonians are higher today than they were pre-pandemic across different levels of educational attainment. The workers have fully returned. And in December there were 1.5 job openings in Oregon for every unemployed worker. Employers continue to hire as they chase market opportunities due to strong consumer spending. Overall this labor market strength is keeping upward pressure on wages which are rising as firms compete for workers.”

Douglas County

The State of Oregon Employment Department reported; “Douglas County payroll employment decreased a seasonally adjusted 160 jobs in February after a loss of 100 jobs in January and a gain of 160 in December. Douglas County has gained back 80% of the jobs lost in March and April 2020 at the onset of the COVID-19 crisis.”

“Douglas County’s seasonally adjusted unemployment rate was essentially unchanged at 5.9% in February compared with a revised 5.8% in January. The rate is up from 4.9% in February 2022. Douglas County’s record low unemployment rate was set in October 2019 and again in June 2022 at 4.4%. The Oregon seasonally adjusted February rate was 4.7% and the U.S. rate was 3.6%.”

Unemployment Rate



Source: Oregon Employment Department Qualityinfo.org

A review of the underlying figures to February’s seasonally adjusted unemployment rate increasing year-over-year from 4.9% to 5.9% illustrate a weakening labor market; although moderating in the recent term. Comparing the underlying data to the previous month an understanding of a moderating labor market emerges.

- The civilian labor force decreased in February by from January, or -0.6%. The labor force also decreased by -951 from February 2022, or -2%;
- The number of employed (or jobs) decreased in February by -71 from January or -0.2%. The number employed also decreased by -1,458 from February 2022, or -3.2%; and
- The number of unemployed decreased by -223 in February from January or -7.2%. The number unemployed also increased by 507 from February 2022, or 21.5%.

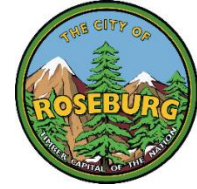
A FINAL NOTE

This quarterly report has been prepared to summarize and review the City's operations and financial position for the third quarter of the 2022-23 fiscal year as of the month ending March 31, 2023, provide management with a financial planning tool, and monitor compliance with budget policy and Oregon budget law.

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

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

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



MUNICIPAL COURT QUARTERLY REPORT

Meeting Date: April 24, 2023
Department: Municipal Court
www.cityofroseburg.org

Agenda Section: Department Reports
Staff Contact: Jason Mahan
Contact Telephone Number: 541-673-0171

ISSUE STATEMENT AND SUMMARY

At the request of City Council, a report on the court's case volume and program revenues has been presented on a quarterly basis since July 2012. This report is the latest of the quarterly reports to have been provided in fulfillment of the Council's desire to receive regular updates on court operations and covers.

BACKGROUND

Analysis.

<u>COURT CASE TOTALS</u>	<u>1ST</u>	<u>2ND</u>	<u>3RD</u>	<u>YTD</u>	<u>PRIOR</u>
	<u>QTR</u>	<u>QTR</u>	<u>QTR</u>	<u>TOTAL</u>	<u>YEAR</u>
CRIMES	350	238	280	868	984
TRAFFIC CRIMES	49	55	87	191	157
TRAFFIC VIOLATIONS	875	548	900	2,323	2,572
NON-TRAFFIC VIOLATIONS	69	14	37	120	52
TOTAL	1,343	855	1,304	3,502	3,765

After the third quarter of the 2022-23 fiscal year, total cases were down 6.99% from the prior year. By category, crimes, and traffic violations decreased by 11.79%, and 9.68% while traffic crimes, and non-traffic violations increased by 21.66% and 130.77% respectively.

	BUDGET	1ST	2ND	3RD	YTD	PRIOR
	2022-23	QTR	QTR	QTR	TOTAL	YTD
		2022	2022	2021		TOTAL
COURT REVENUES						
FINES	\$ 380,000	\$ 70,224	\$ 62,525	\$ 61,220	\$ 193,969	\$ 280,871
COURT COSTS	20,000	5,642	9,638	5,085	20,365	15,738
CRT APPT ATTORNEY	10,000	2,126	1,060	2,596	5,782	7,323
TOTAL	\$ 410,000	\$ 77,992	\$ 73,223	\$ 68,901	\$ 220,116	\$ 303,932

After the third quarter of the 2022-23 fiscal year, total court revenues were down 27.58% from the prior year. Fines and collections revenue decreased by 30.94%, court costs revenues increased by 29.4% and court appointed attorney revenues decreased by 21.04%.

On a budgetary basis, revenues are 54% of budget after the third quarter of the fiscal year.

CLOSING REMARKS

The Roseburg Municipal Court continues to see a significant number of criminal cases where the defendant has an underlying mental health condition. When these individuals are arrested, placed and lodged at the Douglas County Jail, they are often too combative to be safely brought to court. With these individuals, court staff and I, have to go to the jail to speak with the defendant. The number of these individuals we see appears to be increasing with the Court having to go personally to jail for arraignment, often two or three times a week. When many of these individuals are released upon completing their sentence, they are often being arrested on new crimes within a short period of time. As recently as last week, we had an individual who was released after completion of the jail sentence that was arrested within 10 hours of his release.

As the Council is aware, the Court is working with ADAPT to try to work with individuals who are clearly in need of mental health services. I am placing many individuals on bench probation with the requirement that they be evaluated for a mental health condition and that they follow through with recommended treatment. For individuals placed on bench probation, I require that the individual return to court in order to check in and make sure they are following through with court orders. These check-in dates are typically on Friday mornings with the frequency of the check-in determined by the defendant's behavior. With some individuals, I have them return to court at least once a month but there are some individuals who I am concerned with that I am having report more frequently. We have a few individuals whose conduct seems to be escalating and I am having them come back to court more frequently in the hope that frequent court contact will motivate them

to engage in mental health services. Ultimately if a person isn't following through with treatment and is continuing to engage in criminal behavior, then they will be sentenced to a significant jail sentence.

Larry Clark, the ADAPT outreach coordinator, attends most court appearances. It has been helpful to have Mr. Clark in court to contact defendants at the time of sentencing and give them information on how to contact ADAPT. Mr. Clark is also able to come in on Friday mornings and can inform the Court if the defendant followed through with court orders.

We are seeing a larger number of individuals following court orders to reach out to ADAPT and return to court. Whether the Court will see long-term involvement and reduced criminal activity will have to be determined. We do have one individual who has made amazing progress in changing his life. This individual has been engaged in treatment for many months and has not committed any new criminal offenses and has been able to obtain one of the housing pods located in our city. Unfortunately, there will always be people who are unwilling to seek assistance, but hopefully we can see additional people take advantage of services offered to improve their lives.

In addition to mental health services, Mr. Clark is also able to assist with outreach to our homeless population. A common offense that we see in our court related to homelessness is Depositing Trash within 100 Yards of Water or Offensive Littering. It is my hope that these individuals will reach out to Mr. Clark to see if he can assist them with housing. Unfortunately, there are individuals who don't want the assistance and have informed the Court that they are not interested in any housing or any assistance. Provided that a person doesn't fail to appear, I typically order individuals convicted of Offensive Littering or Depositing Trash within 100 Yards of Water to complete work crew.

I welcome any feedback or questions. If you would like to have me attend any City Council meeting to discuss the Roseburg Municipal Court, please let me know. I appreciate you taking the time to review this report and your interest in the Roseburg Municipal Court.

Sincerely,

Jason Mahan

Roseburg Municipal Court Judge