

Council Business Meeting

October 15, 2019

Agenda Item	Resolution 2019-28 to Terminate the Waterline Road Local Improvement District and Repeal Resolution 1999-19	
From	Paula C. Brown, PE Scott A. Fleury, PE	Public Works Director Deputy Public Works Director
Contact	paula.brown@ashland.or.us ; (541) 552-2411 scott.fleury@ashland.or.us ; (541) 552-2412	

SUMMARY

Before Council is a resolution to terminate the previously established Waterline Road Local Improvement District (LID), #79. Resolution 1999-19 established Waterline Road reimbursement district and determined proportional costs for the City and benefitted property owners. The LID called for the construction of a paved street section along 500 feet of the currently unimproved section of Waterline Road including curb, gutter, storm drain, water line, fire hydrants and retaining wall sections.

POLICIES, PLANS & GOALS SUPPORTED

City Council Goals adopted by Resolution 2019-02 and supported by this project:

Essential Services: street repair and maintenance; fire (protection)

Value Services: emergency preparedness

Department Goals:

- Deliver timely life cycle capital improvement projects
- Maintain and improve infrastructure that enhances the economic vitality of the community
- Evaluate all city infrastructure regarding planning management and financial resources

PREVIOUS COUNCIL ACTION

The Waterline Road Local Improvement District (LID) was established through Resolution 1999-19 at the April 6, 1999 regular business meeting. This resolution authorized establishing a local improvement district for the improvement of 500 feet of Waterline Road. These street improvements included pavement, curb/gutter and storm drain, water line, fire hydrants and retaining wall sections. Sidewalks were not recommended due to site conditions which would likely necessitate significant rock excavation and additional retaining walls.

BACKGROUND AND ADDITIONAL INFORMATION

When the original resolution established the LID in 1999, the Council directed "...that no final assessments will be made on benefitted properties until a residential building permit is issued or a final approval is granted on a land use application creating one or more new lots for Tax Lot 300, 391E 16AC, also known as the Alston property." See Attachment 1 for site map. Since 1999, the property in question has not developed, and the cost to construct improvements for the 500-foot road section have dramatically increased from the original estimate of \$600,000. The 2012 adopted Transportation System Plan (TSP) identifies project R46, a connection from Ivy Lane west to Waterline Road. This project was defined as development driven and removed from the fiscally constrained TSP.

Planning and Engineering staff conferred with the City's Legal Department to discuss the likelihood of requiring full road improvements through the potential development of Tax Lot 300, 391E 16AC. It is a difficult site due to the terrain and would likely not have a significant number of homesites approved. Access

would likely be from Ivy Lane. With this realization, staff is supportive of terminating the local improvement district.

All property owners within the assessment district as required have been encumbered with a lien on their property in the amount of \$3,608.68 per assessable unit. Currently, when a property owner wishes to sell a property within the assessment boundary, the lien shows on the title report and the seller is typically obligated to pay the lien in full in order to finalize a sale. The City Recorder manages all LIDs and associated liens. Currently there are 22 of the 47 property owners who have paid a total of \$79,390.96 in assessed funds that were collected as lien payoffs upon the sale of properties in the district and are being held by the Recorder.

Staff has worked directly with the City Recorder and Attorney in order to develop the proper terminating resolution. Upon Council approval, staff will notify the 22 former property owners of the termination and refund all funds currently retained.

FISCAL IMPACTS

Staff estimates the construction cost associated with this 500-foot roadway improvement project would exceed \$600,000 in current dollars. Section 13.20 of the Ashland Municipal Code governs local improvements and special assessments. Council eliminated the maximum assessment per unit during the December 1, 2008 study session. This change was enacted by resolution 2009-04.

If the termination of this local improvement district is approved, the City Recorder will remove current liens on all properties within the assessment boundary and refund in full all liens currently paid. The original assessment and cost for the LID was estimated to be \$179,908 in 1999, with an assessment of \$3,608.68 for each of the 47 units within the assessment area.

STAFF RECOMMENDATION

Staff recommends option 1; approving the attached resolution to terminate the Waterline Road LID and repealing Resolution 1999-99, the initial resolution that formed the LID.

Option 2 (below), although feasible, does not provide the City adequate funds to complete the project should development occur. Retaining the LID is a burden to the current property owners within the boundary area that must pay the assessment in full to transfer property title or sell. Likewise, option 3 is viable only if Council has recommendations for staff to consider.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

Upon the closing of the public hearing, council could consider the following motions

1. Move to approve a resolution titled "A Resolution to Terminate the Waterline Road Local Improvement District and Repealing Resolution 1999-19".
2. Take no action and retain the Waterline Road LID.
3. Take no action at this time and return the resolution to staff for additional information and clarifications.

REFERENCES & ATTACHMENTS

AMC 13.20 Local Improvements and Special Assessments ([link](#))

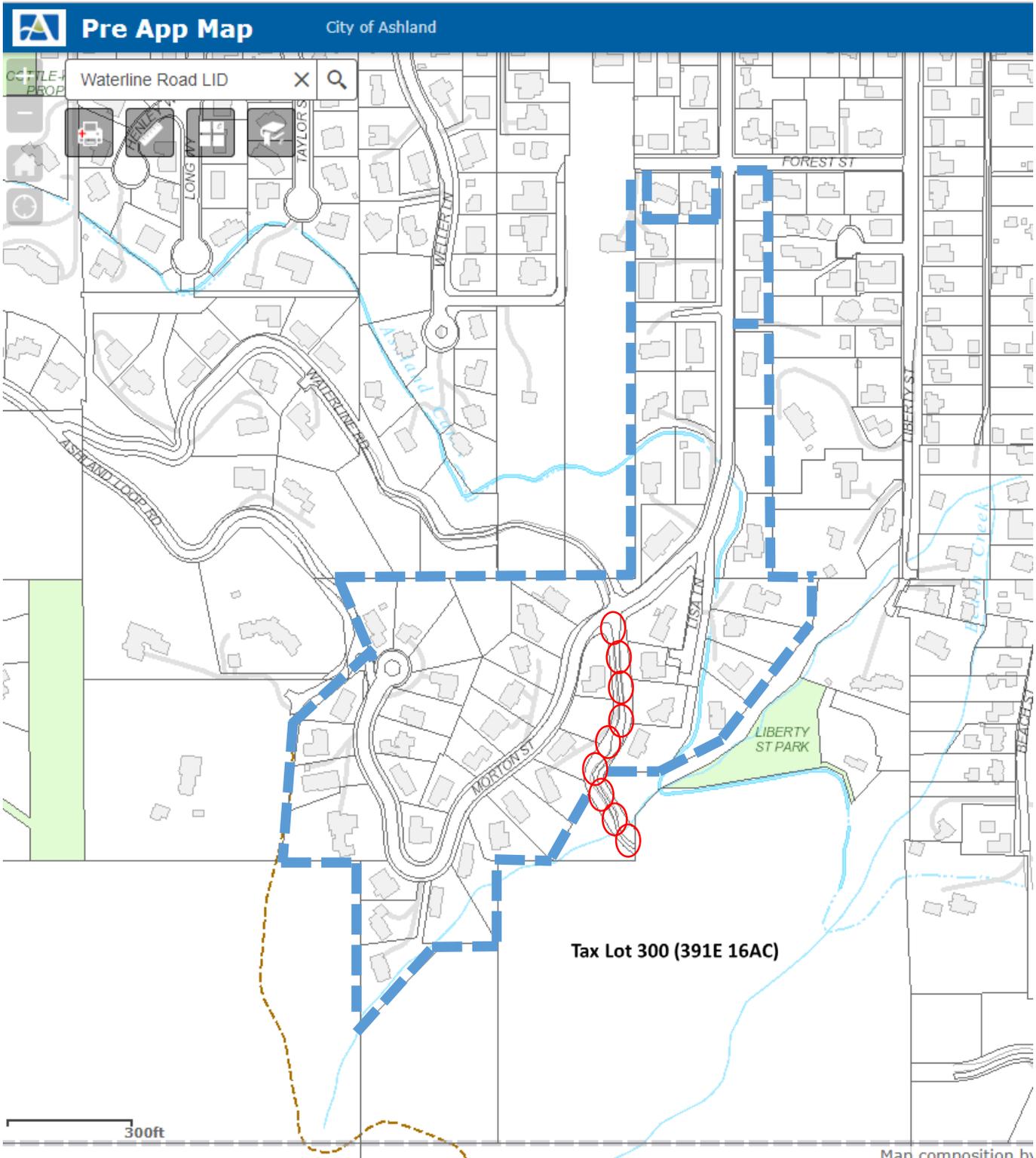
Attachment 1: Site Map Tax Lot 300 (391E 16AC)

Attachment 2: LID Termination Resolution 2019-28

Attachment 3: Waterline Road LID Authorizing Resolution 1999-19

Attachment 4: April 6, 1999, City Council Regular Business Meeting; Council Item and Minutes

Waterline Road LID site map; boundary and improvement area



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RESOLUTION NO. 2019-28

A RESOLUTION A RESOLUTION TERMINATING THE WATERLINE ROAD LOCAL IMPROVEMENT DISTRICT #79 AND REPEALING RESOLUTION 1999-19

RECITALS:

- A. The City of Ashland’s City Council approved a local improvement district for the construction of a portion of Waterline Road; and
- B. The City Council has determined it is appropriate to repeal this authorizing resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ASHLAND, OREGON, RESOLVES AS FOLLOWS:

SECTION 1. Resolution 1999-19 forming the Waterline Road Local Improvement District #79 was passed by the Council at the April 6, 1999, Business Meeting.

SECTION 2. The LID was contingent upon either a residential building permit being issued or final approval being granted on a land use application to create one or more new lots for Tax Lot 300, 391E 16AC, also known as the Alston property. To date the parcel has not developed. The construction estimate for the project associated with the LID resolution is no longer representative of current costs.

SECTION 3. The City has determined it is in the best interest of the public to disband this LID reimbursement district and refund all monies collected to date.

SECTION 4. Resolution No. 1999-19 is repealed.

SECTION 5. This resolution is effective upon adoption.

ADOPTED by the City Council this _____ day of _____, 2019.

ATTEST:

Melissa Huhtala, City Recorder

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SIGNED and APPROVED this _____ day of _____, 2019.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

RESOLUTION NO. 99-19

A RESOLUTION AUTHORIZING AND ORDERING THE LOCAL IMPROVEMENTS FOR WATERLINE ROAD FROM MORTON STREET 500 FT. EASTERLY FOR THE WATERLINE ROAD LOCAL IMPROVEMENT DISTRICT AND AUTHORIZING THE ASSESSMENT OF THE COST OF THE IMPROVEMENTS AGAINST PROPERTY TO BE BENEFITTED AND PROVIDING THAT WARRANTS ISSUED FOR THE COST OF THE IMPROVEMENT BE GENERAL OBLIGATIONS OF THE CITY OF ASHLAND, AND AUTHORIZING THE CITY TO BORROW MONEY AND ISSUE AND SELL NOTES FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE ACTUAL COST OF THE LOCAL IMPROVEMENT.

RECITALS:

A. The Council has declared by resolution its intention to develop the improvements described in the above title and in the improvement resolution previously adopted and to assess upon each lot or part of lot benefitted by the improvement its proportional share of the cost of the improvement; and

B. Notice of such intention was duly given, a public hearing was held and it appears to the Council that such improvements are of benefit to the city and all property to be assessed will be benefitted to the extent of the probable amount of the respective assessments to be levied for the costs.

THE CITY COUNCIL OF THE CITY OF ASHLAND RESOLVES:

SECTION 1. A local improvement district is created and shall consist of all the tax lots described in the attached Exhibit A. The district shall be called the Waterline Road Local Improvement District, No. 79.

SECTION 2. The council intends to make local improvements to provide the improvements described in the above title. Such improvements will be in accordance with costs estimated to be \$169,608 all of which will be paid by special assessments on benefitted properties. Costs will be allocated on a per lot basis of approximately \$3,608.68 per lot. Lots will be assessed as specified on the attached Exhibit A. The council also directs that no final assessments will be made on benefitted properties for the Waterline Road improvements until a residential building permit is issued or a final approval is granted on a land use application creating one or more new lots for Tax Lot 300, 39 1E 16 AC, also known as the Alston property.

SECTION 3. The City of Ashland is authorized to borrow money and issue and sell notes for the purpose of providing interim financing for the actual cost of the local improvement. The notes may be payable from the proceeds of any bonds, issuance of

additional notes or from any other sources from which the bonds are payable. This borrowing shall be issued according to the terms of ORS 223.235(7).

SECTION 4. The assessment imposed upon benefitted properties is characterized as an assessment for local improvement pursuant to ORS 305.583(4).

SECTION 5. The city recorder is directed to prepare the estimated assessment of the respective lots within the local improvement district and file it in the lien records of the city.

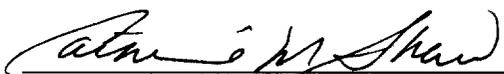
SECTION 6. The City of Ashland expects to make expenditures from its available funds to pay for the costs of the improvement project. The City reasonably expects to issue bonds or other obligations (the "Reimbursement Bonds") and to use the proceeds of the Reimbursement Bonds to reimburse the City for the expenditures it makes from its available funds for the improvement project. To permit interest on the Reimbursement Bonds to be excludable from gross income, the Internal Revenue Code of the United States require the City declare its intent to reimburse itself from Reimbursement Bond proceeds within 60 days after the expenditures are made. The City expects that the principal amount of the Reimbursement Bonds will not exceed \$187,000.

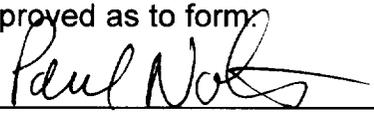
This resolution was read by title only in accordance with Ashland Municipal Code §2.04.090 and duly

PASSED and ADOPTED this 6 day of April, 1999.


Barbara Christensen, City Recorder

SIGNED and APPROVED this 7 day of April, 1999.


Catherine M. Shaw, Mayor

Approved as to form:

Paul Nolte, City Attorney

**WATERLINE ROAD (W/O SIDEWALKS) -
WITH CITY PARTICIPATION WATER LINE ONLY**

DESIGN PARAMETERS

1	Limit of Project:	Morton Street easterly
2	Length of Project:	515 feet
3	Right of Way Width:	47 feet
4	Improvement Width:	22 feet
5	Typical Section:	Shed section (3% cross slope)
6	Curb and gutters:	Both sides
7	Sidewalks:	4' walk, one side only
8	Pavement Design:	4"
9	Base Design:	4" crushed rock
10	Drainage	12" and 24" storm drain
11	Special Features:	Retaining walls required
12	Special Considerations:	Steep natural cross slope Existing waterlines in place are shallow Rock excavation required Tree removal required

CONSTRUCTION ESTIMATE

No.	Description	Quantity	Unit Price	Amount
1	Site Work	Lump Sum	10000	\$10,000
2	Common Excavation	500 C.Y.	15	\$7,500
3	Rock Excavation	50 C.Y.	175	\$8,750
4	Aggregate Base	140 C.Y.	12	\$1,680
5	Class B Paving	220 Tons	45	\$9,900
6	Curb and Gutter	1030 L.F.	8	\$8,240
7	12" Storm Drain	250 L.F.	22	\$5,500
8	24" Storm Drain	50 L.F.	48	\$2,400
9	Curb Inlets	4 ea.	700	\$2,800
10	4' High Retaining Walls	560 S.F.	12	\$6,720
11	8' High Retaining Walls	1000 S.F.	24	\$24,000
12	12' High Retaining Walls	1000 S.F.	35	\$35,000
13	Adjust S.S. Cleanout	1 ea.	500	\$500
14	Adjust Water Valve	4 ea.	200	\$800
15	Erosion Control Matting	600 S.Y.	4	\$2,400
16	Remove Existing 18" CMP	Lump Sum	300	\$300
17	8" D.I.P. Waterline	515 L.F.	20	\$10,300
18	Fire Hydrant	2 EA	1800	\$3,600
19	Storm Drain Inlet Structure	1 EA	1200	\$1,200
20	Mobilization & Clean up	Lump Sum	10000	\$10,000
	SUB-TOTAL			<u>\$151,590</u>
	ENGINEERING COSTS			<u>\$28,318</u>
	TOTAL			<u>\$179,908</u>

ESTIMATED TOTAL COST	\$179,908
LESS CITY PARTICIPATION - Water line (item 17)	<u>(\$10,300)</u>
ESTIMATED ASSESSABLE COST	\$169,608

ASSESSMENT AREA

Number of Units in Park Estates Subdivision, Phases 1 & 2

47

Per Unit Assessment

\$3,608.68

EXHIBIT A
WATERLINE ROAD (EAST)
PROPOSED LID COMPOSITION & ESTIMATED COSTS

<u>NO.</u>	<u>MAP NO.</u>	<u>TAX LOT</u>	<u>SUBDIVISION LOT NO.</u>	<u>ESTIMATED COST*</u>
1	391E16AB	2200	LOT 1 BLK 2	\$3,608.68
2	391E16AB	2201	LOT 2 BLK 2	\$3,608.68
3	391E16AB	2202	LOT 3 BLK 2	\$3,608.68
4	391E16AB	2203	LOT 4 BLK 2	\$3,608.68
5	391E16AB	2205	LOT 2 BLK 3	\$3,608.68
6	391E16AB	2213	LOT 9 BLK 1	\$3,608.68
7	391E16AB	2214	LOT 10 BLK 1	\$3,608.68
8	391E16AB	2215	LOT 11 BLK 1	\$3,608.68
9	391E16AB	2220	LOT 6 BLK 3	\$3,608.68
10	391E16AC	400	LOT 3 BLK 4	\$3,608.68
11	391E16AC	401	LOT 1 BLK 1	\$3,608.68
12	391E16AC	402	LOT 2 BLK 1	\$3,608.68
13	391E16AC	403	LOT 3 BLK 1	\$3,608.68
14	391E16AC	404	LOT 4 BLK 1	\$3,608.68
15	391E16AC	405	LOT 5 BLK 1	\$3,608.68
16	391E16AC	406	LOT 6 BLK 1	\$3,608.68
17	391E16AC	408	LOT 7 BLK 1	\$3,608.68
18	391E16AC	411	LOT 2 BLK 4	\$3,608.68
19	391E16AC	412	LOT 1 BLK 4	\$3,608.68
20	391E16AC	414	LOT 1 BLK 5	\$3,608.68
21	391E16AC	415	LOT 2 BLK 5	\$3,608.68
22	391E16AC	416	LOT 3 BLK 5	\$3,608.68
23	391E16AC	418	LOT 4 BLK 5	\$3,608.68
24	391E16AC	419	LOT 5 BLK 5	\$3,608.68
25	391E16AC	420	LOT 6 BLK 5	\$3,608.68
26	391E16AC	421	LOT 7 BLK 5	\$3,608.68
27	391E16AC	422	LOT 8 BLK 5	\$3,608.68
28	391E16AC	424	LOT 9 BLK 5	\$3,608.68
29	391E16AC	425	LOT10 BLK 5	\$3,608.68

<u>NO.</u>	<u>MAP NO.</u>	<u>TAX LOT</u>	<u>SUBDIVISION LOT NO.</u>	<u>ESTIMATED COST*</u>
30	391E16AC	426	LOT 11 BLK 5	\$3,608.68
31	391E16AC	427	LOT 12/13 BLK 5	\$3,608.68
32	391E16AC	429	LOT 14 BLK 4	\$3,608.68
33	391E16AC	430	LOT 15 BLK 4	\$3,608.68
34	391E16AC	431	LOT 16 BLK 4	\$3,608.68
35	391E16AC	433	LOT 15 BLK 5	\$3,608.68
36	391E16AC	434	LOT 14 BLK 5	\$3,608.68
37	391E16AC	435	LOT 13 BLK 5	\$3,608.68
38	391E16AC	436	LOT 12 BLK 5	\$3,608.68
39	391E16AC	437	LOT 11 BLK 5	\$3,608.68
40	391E16AC	438	LOT 10 BLK 5	\$3,608.68
41	391E16AC	439	LOT 9 BLK 5	\$3,608.68
42	391E16AC	440	LOT 8 BLK 5	\$3,608.68
43	391E16AC	441	LOT 7 BLK 5	\$3,608.68
44	391E16AC	442	LOT 6 BLK 5	\$3,608.68
45	391E16AC	443	LOT 5 BLK 5	\$3,608.68
46	391E16AC	444	LOT 4 BLK 5	\$3,608.68
47	391E16AC	447	LOT 8 BLK 1	\$3,608.68
TOTAL				\$169,608.00

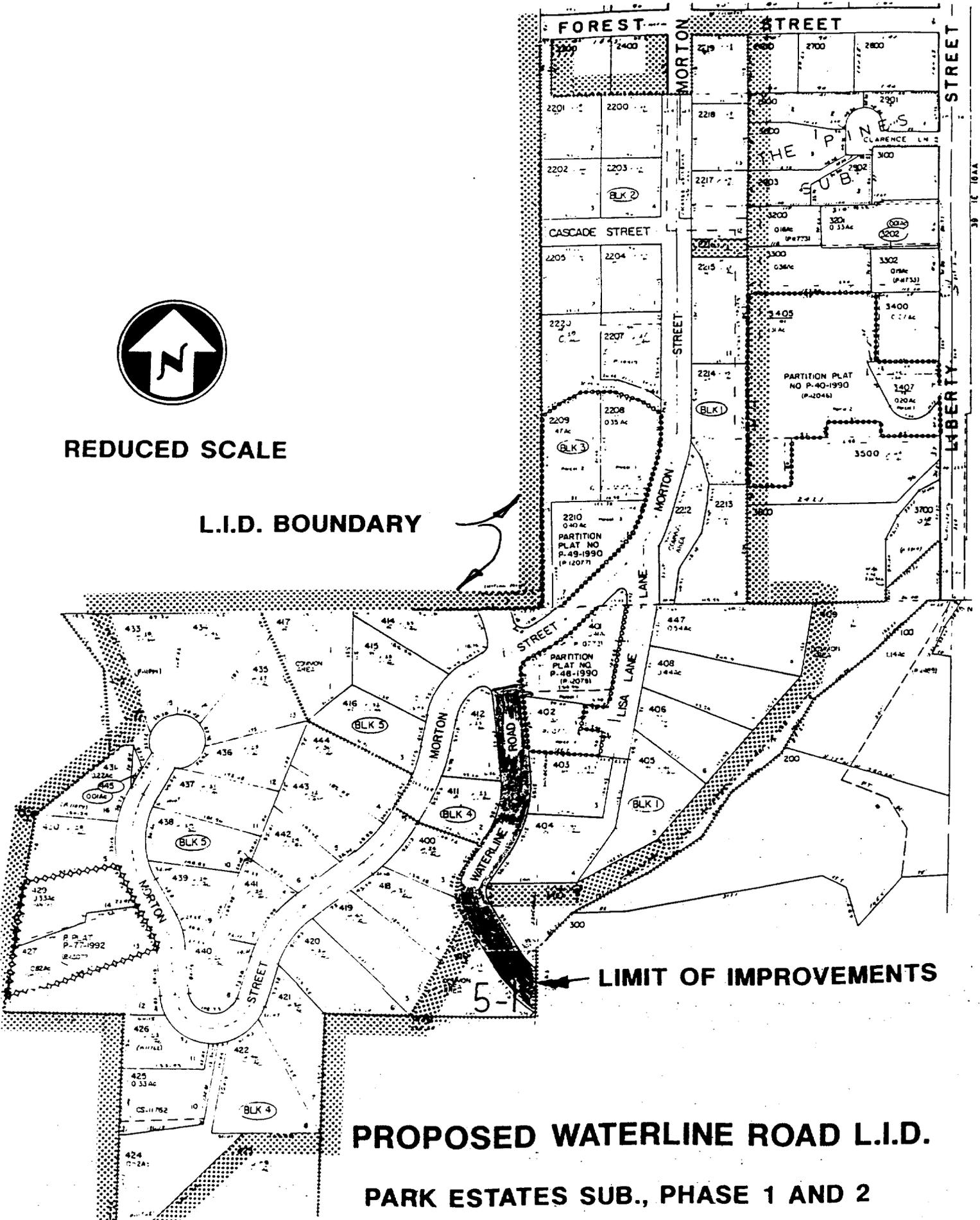
*Without Sidewalks

EXHIBIT B



REDUCED SCALE

L.I.D. BOUNDARY



LIMIT OF IMPROVEMENTS

PROPOSED WATERLINE ROAD L.I.D.
PARK ESTATES SUB., PHASE 1 AND 2

Council Communication
Public Works Department
Waterline Road LID Formation
April 6, 1999

Submitted by:
Reviewed by:
Approved by:

Paula Brown *Paula*
Paul Nolte
Mike Freeman *Mike*

Title:

A Resolution Authorizing and Ordering the Local Improvements for Waterline Road from Morton Street 500 Feet Easterly to create the Waterline Road Local Improvement District and Authorizing Assessment of the Cost of the Improvements against Property to be Benefitted and Providing that Warrants Issued for the Cost of the Improvement be General Obligations of the City of Ashland, and Authorizing the City to Borrow Money and Issue and Sell Notes for the Purpose of Providing Interim Financing for the Actual Cost of the Local Improvement

Synopsis:

The attached resolution establishes the level of improvements and assessments for the Local Improvement District (LID) for Waterline Road. During the September 1, 1998 Council meeting a public hearing was established for the September 1, 1998 Council meeting. Due to remonstrances by the affected improvement district members, Council suspended formation of the LID at the October 6, 1998 meeting, and directed staff to bring back the formation on April 6, 1999. Assessments of \$3,608.68 for each lot in the LID are shown on Exhibit A to the resolution and the map of the assessment area shown as Exhibit B. Although further notification to the affected members was not necessary, the City Recorder notified all who filed remonstrances of the April 6th meeting to form the LID.

Recommendation:

Staff recommends that Council adopt the attached resolution for the formation of Waterline Road Improvements LID. It is also recommended that no final assessments will be made on benefitted properties for the Waterline Road improvements until a city-approved building permit or final approval on an application creating one or more new lots is in effect for Tax Lot 300, 39 1E 16 AC, also known as the Alston property. The attached resolution includes language to this effect. Street improvements will also not likely began until required through planning action for approved building permit or lot creation requiring the street.

Background Information:

The Waterline Road improvements include curb, gutter, pavement, and storm drain upgrades; two fire hydrants, an 8 inch water line, and retaining wall structures, as required. Staff is basing the estimate on the Council's adopted 22 foot minimum street section. It may be more practical to maintain a narrower road section through the improvement area and staff generally

recommends a 20 foot pavement section as opposed to the 22 foot minimum section as shown on the estimate. The estimate has not been revised to show this change, pending the formation of the LID. Staff proposes that the 8 inch water pipe be included as a City cost. The total cost of the project is projected to be \$179,908; of which, \$10,300 is the City's water line portion and \$169,608.00 is to be apportioned to the LID participants reflecting a maximum cost to each of the 47 lots as \$3,608.68. It may be possible to lower the final costs based on constructing a narrower road section and perhaps reducing sections of the retaining wall structures. However, as the final design is not complete, staff recommends using the higher estimate. It is Staff's understanding that this LID is not subject to Resolution 99-09, A Resolution to Local Improvement Districts (LIDs) and Establishing: the City's Participation in LIDs; the Maximum Assessment for Residential Lots and Required Process to Include Neighborhoods in LID Planning.

Sidewalks are not recommended as a part of these improvements due to extraordinary site conditions and excessive additional work that would be required for the additional street improvement width. The addition of sidewalk on one side would add approximately \$123,800 for concrete and site work (rock excavation, possibly rock blasting and significantly higher amounts of retaining wall structures), which would add over \$2,600 per assessment.

Staff did receive remonstrance notifications from 38 of the 47 lots in the proposed LID. As there were remonstrances from over 2/3 of the homeowners presented at the Public Hearing on October 6, 1998, the formation of the LID was not possible. Council directed staff to bring back the resolution forming the LID with the condition that the LID be formed with no improvements made until the issuance of a building permit (see attached minutes from the October 6th meeting). Delaying the actual improvements meets the needs of the City. In addition, Council directed the City Recorder to reflect on lien searches performed on Park Estates lots between October 6, 1998, and April 6, 1999, that lots are subject to the pending formation of a local improvement district which will be considered by the City Council on April 6, 1999.

RESOLUTION NO. 99-_____

A RESOLUTION AUTHORIZING AND ORDERING THE LOCAL IMPROVEMENTS FOR WATERLINE ROAD FROM MORTON STREET 500 FT. EASTERLY FOR THE WATERLINE ROAD LOCAL IMPROVEMENT DISTRICT AND AUTHORIZING THE ASSESSMENT OF THE COST OF THE IMPROVEMENTS AGAINST PROPERTY TO BE BENEFITTED AND PROVIDING THAT WARRANTS ISSUED FOR THE COST OF THE IMPROVEMENT BE GENERAL OBLIGATIONS OF THE CITY OF ASHLAND, AND AUTHORIZING THE CITY TO BORROW MONEY AND ISSUE AND SELL NOTES FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE ACTUAL COST OF THE LOCAL IMPROVEMENT.

RECITALS:

A. The Council has declared by resolution its intention to develop the improvements described in the above title and in the improvement resolution previously adopted and to assess upon each lot or part of lot benefitted by the improvement its proportional share of the cost of the improvement; and

B. Notice of such intention was duly given, a public hearing was held and it appears to the Council that such improvements are of benefit to the city and all property to be assessed will be benefitted to the extent of the probable amount of the respective assessments to be levied for the costs.

THE CITY COUNCIL OF THE CITY OF ASHLAND RESOLVES:

SECTION 1. A local improvement district is created and shall consist of all the tax lots described in the attached Exhibit A. The district shall be called the Waterline Road Local Improvement District, No. _____.

SECTION 2. The council intends to make local improvements to provide the improvements described in the above title. Such improvements will be in accordance with costs estimated to be \$169,608 all of which will be paid by special assessments on benefitted properties. Costs will be allocated on a per lot basis of approximately \$3,608.68 per lot. Lots will be assessed as specified on the attached Exhibit A. The council also directs that no final assessments will be made on benefitted properties for the Waterline Road improvements until a residential building permit is issued or a final approval is granted on a land use application creating one or more new lots for Tax Lot 300, 39 1E 16 AC, also known as the Alston property.

SECTION 3. The City of Ashland is authorized to borrow money and issue and sell notes for the purpose of providing interim financing for the actual cost of the local improvement. The notes may be payable from the proceeds of any bonds, issuance of

additional notes or from any other sources from which the bonds are payable. This borrowing shall be issued according to the terms of ORS 223.235(7).

SECTION 4. The assessment imposed upon benefitted properties is characterized as an assessment for local improvement pursuant to ORS 305.583(4).

SECTION 5. The city recorder is directed to prepare the estimated assessment of the respective lots within the local improvement district and file it in the lien records of the city.

SECTION 6. The City of Ashland expects to make expenditures from its available funds to pay for the costs of the improvement project. The City reasonably expects to issue bonds or other obligations (the "Reimbursement Bonds") and to use the proceeds of the Reimbursement Bonds to reimburse the City for the expenditures it makes from its available funds for the improvement project. To permit interest on the Reimbursement Bonds to be excludable from gross income, the Internal Revenue Code of the United States require the City declare its intent to reimburse itself from Reimbursement Bond proceeds within 60 days after the expenditures are made. The City expects that the principal amount of the Reimbursement Bonds will not exceed \$187,000.

This resolution was read by title only in accordance with Ashland Municipal Code §2.04.090 and duly

PASSED and ADOPTED this _____ day of _____, 1999.

Barbara Christensen, City Recorder

SIGNED and APPROVED this _____ day of _____, 1999.

Catherine M. Shaw, Mayor

Approved as to form:

Paul Nolte, City Attorney

**WATERLINE ROAD (W/O SIDEWALKS) -
WITH CITY PARTICIPATION WATER LINE ONLY**

DESIGN PARAMETERS

1	Limit of Project:	Morton Street easterly
2	Length of Project:	515 feet
3	Right of Way Width:	47 feet
4	Improvement Width:	22 feet
5	Typical Section:	Shed section (3% cross slope)
6	Curb and gutters:	Both sides
7	Sidewalks:	4' walk, one side only
8	Pavement Design:	4"
9	Base Design:	4" crushed rock
10	Drainage	12" and 24" storm drain
11	Special Features:	Retaining walls required
12	Special Considerations:	Steep natural cross slope
		Existing waterlines in place are shallow
		Rock excavation required
		Tree removal required

CONSTRUCTION ESTIMATE

No.	Description	Quantity	Unit Price	Amount
1	Site Work	Lump Sum	10000	\$10,000
2	Common Excavation	500 C.Y.	15	\$7,500
3	Rock Excavation	50 C.Y.	175	\$8,750
4	Aggregate Base	140 C.Y.	12	\$1,680
5	Class B Paving	220 Tons	45	\$9,900
6	Curb and Gutter	1030 L.F.	8	\$8,240
7	12" Storm Drain	250 L.F.	22	\$5,500
8	24" Storm Drain	50 L.F.	48	\$2,400
9	Curb Inlets	4 ea.	700	\$2,800
10	4' High Retaining Walls	560 S.F.	12	\$6,720
11	8' High Retaining Walls	1000 S.F.	24	\$24,000
12	12' High Retaining Walls	1000 S.F.	35	\$35,000
13	Adjust S.S. Cleanout	1 ea.	500	\$500
14	Adjust Water Valve	4 ea.	200	\$800
15	Erosion Control Matting	600 S.Y.	4	\$2,400
16	Remove Existing 18" CMP	Lump Sum	300	\$300
17	8" D.I.P. Waterline	515 L.F.	20	\$10,300
18	Fire Hydrant	2 EA	1800	\$3,600
19	Storm Drain Inlet Structure	1 EA	1200	\$1,200
20	Mobilization & Clean up	Lump Sum	10000	\$10,000
	SUB-TOTAL			<u>\$151,590</u>
	ENGINEERING COSTS			<u>\$28,318</u>
	TOTAL			<u>\$179,908</u>
	ESTIMATED TOTAL COST			\$179,908
	LESS CITY PARTICIPATION - Water line (item 17)			<u>(\$10,300)</u>
	ESTIMATED ASSESSABLE COST			\$169,608

ASSESSMENT AREA

Number of Units in Park Estates Subdivision, Phases 1 & 2

47

Per Unit Assessment

\$3,608.68

EXHIBIT A
WATERLINE ROAD (EAST)
PROPOSED LID COMPOSITION & ESTIMATED COSTS

<u>NO.</u>	<u>MAP NO.</u>	<u>TAX LOT</u>	<u>SUBDIVISION LOT NO.</u>	<u>ESTIMATED COST*</u>
1	391E16AB	2200	LOT 1 BLK 2	\$3,608.68
2	391E16AB	2201	LOT 2 BLK 2	\$3,608.68
3	391E16AB	2202	LOT 3 BLK 2	\$3,608.68
4	391E16AB	2203	LOT 4 BLK 2	\$3,608.68
5	391E16AB	2205	LOT 2 BLK 3	\$3,608.68
6	391E16AB	2213	LOT 9 BLK 1	\$3,608.68
7	391E16AB	2214	LOT 10 BLK 1	\$3,608.68
8	391E16AB	2215	LOT 11 BLK 1	\$3,608.68
9	391E16AB	2220	LOT 6 BLK 3	\$3,608.68
10	391E16AC	400	LOT 3 BLK 4	\$3,608.68
11	391E16AC	401	LOT 1 BLK 1	\$3,608.68
12	391E16AC	402	LOT 2 BLK 1	\$3,608.68
13	391E16AC	403	LOT 3 BLK 1	\$3,608.68
14	391E16AC	404	LOT 4 BLK 1	\$3,608.68
15	391E16AC	405	LOT 5 BLK 1	\$3,608.68
16	391E16AC	406	LOT 6 BLK 1	\$3,608.68
17	391E16AC	408	LOT 7 BLK 1	\$3,608.68
18	391E16AC	411	LOT 2 BLK 4	\$3,608.68
19	391E16AC	412	LOT 1 BLK 4	\$3,608.68
20	391E16AC	414	LOT 1 BLK 5	\$3,608.68
21	391E16AC	415	LOT 2 BLK 5	\$3,608.68
22	391E16AC	416	LOT 3 BLK 5	\$3,608.68
23	391E16AC	418	LOT 4 BLK 5	\$3,608.68
24	391E16AC	419	LOT 5 BLK 5	\$3,608.68
25	391E16AC	420	LOT 6 BLK 5	\$3,608.68
26	391E16AC	421	LOT 7 BLK 5	\$3,608.68
27	391E16AC	422	LOT 8 BLK 5	\$3,608.68
28	391E16AC	424	LOT 9 BLK 5	\$3,608.68
29	391E16AC	425	LOT 10 BLK 5	\$3,608.68

<u>NO.</u>	<u>MAP NO.</u>	<u>TAX LOT</u>	<u>SUBDIVISION LOT NO.</u>	<u>ESTIMATED COST*</u>
30	391E16AC	426	LOT 11 BLK 5	\$3,608.68
31	391E16AC	427	LOT 12/13 BLK 5	\$3,608.68
32	391E16AC	429	LOT 14 BLK 4	\$3,608.68
33	391E16AC	430	LOT 15 BLK 4	\$3,608.68
34	391E16AC	431	LOT 16 BLK 4	\$3,608.68
35	391E16AC	433	LOT 15 BLK 5	\$3,608.68
36	391E16AC	434	LOT 14 BLK 5	\$3,608.68
37	391E16AC	435	LOT 13 BLK 5	\$3,608.68
38	391E16AC	436	LOT 12 BLK 5	\$3,608.68
39	391E16AC	437	LOT 11 BLK 5	\$3,608.68
40	391E16AC	438	LOT 10 BLK 5	\$3,608.68
41	391E16AC	439	LOT 9 BLK 5	\$3,608.68
42	391E16AC	440	LOT 8 BLK 5	\$3,608.68
43	391E16AC	441	LOT 7 BLK 5	\$3,608.68
44	391E16AC	442	LOT 6 BLK 5	\$3,608.68
45	391E16AC	443	LOT 5 BLK 5	\$3,608.68
46	391E16AC	444	LOT 4 BLK 5	\$3,608.68
47	391E16AC	447	LOT 8 BLK 1	\$3,608.68
TOTAL				\$169,608.00

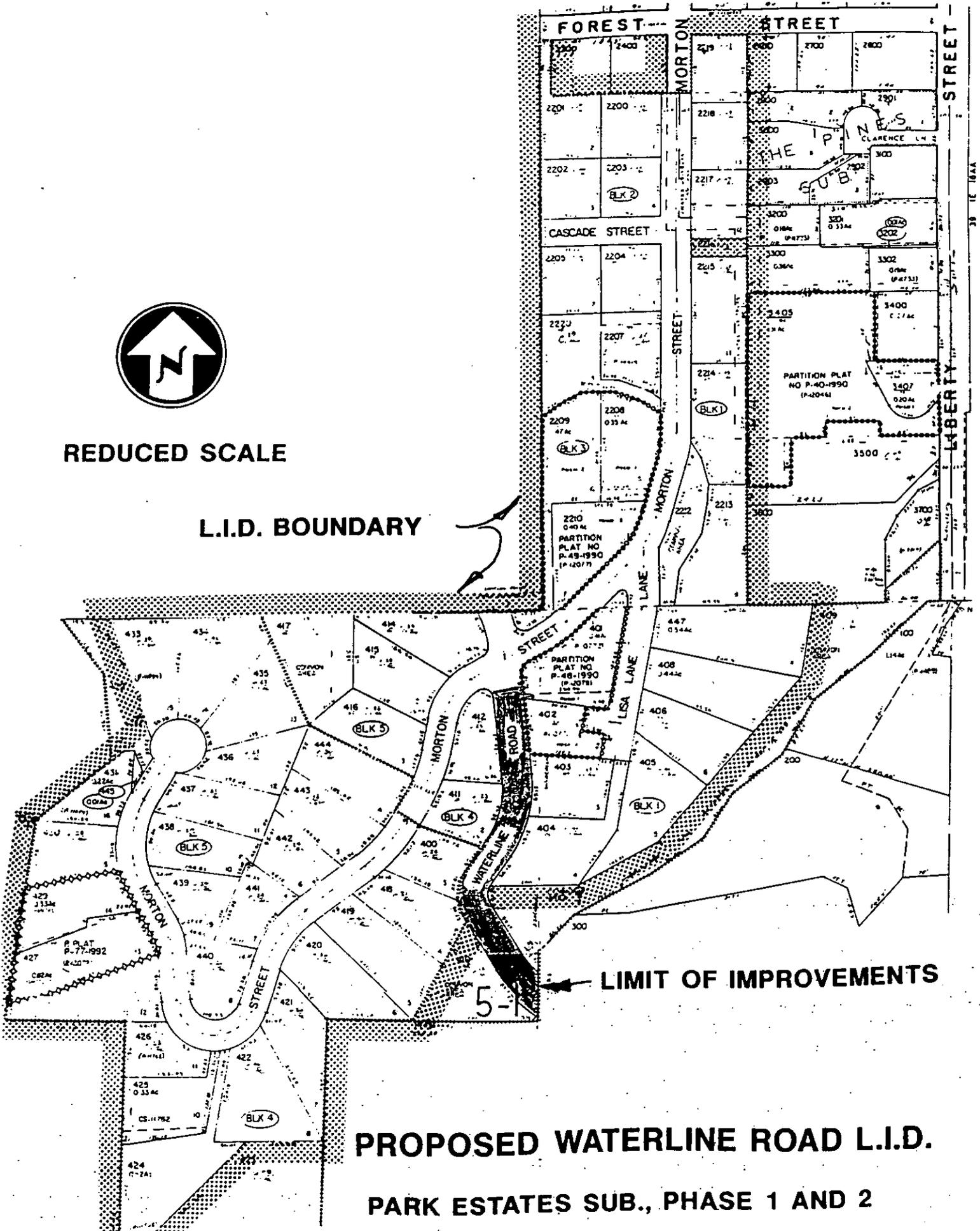
*Without Sidewalks

EXHIBIT B



REDUCED SCALE

L.I.D. BOUNDARY



PROPOSED WATERLINE ROAD L.I.D.

PARK ESTATES SUB., PHASE 1 AND 2

**MINUTES FOR THE REGULAR MEETING
ASHLAND CITY COUNCIL
April 6, 1999
Civic Center Council Chambers, 1175 E. Main Street**

PLEDGE OF ALLEGIANCE

Mayor Shaw called the meeting to order at 7:00 p.m., in the Civic Center Council Chambers.

ROLL CALL

Councilors Laws, Reid, Hauck, Hanson, Wheeldon, and Fine were present.

APPROVAL OF MINUTES

Councilors Wheeldon/Fine m/s to approve the minutes of the regular meeting of March 16 and the continued meeting minutes of March 18 as presented. Voice vote: All AYES. Motion passed.

SPECIAL PRESENTATIONS & AWARDS

1. Mayor's Proclamation of April 4-10, 1999 as Arbor Week in Ashland.

Mayor Shaw read the proclamation in its entirety.

2. Mayor's Announcement of Tree of the Year for 1999.

Mayor Shaw announced that the winner was the Osage Orange at the corner of Helman and Orange Streets. Curt Swearingen of the Oregon Department of Forestry presented an award plaque and flag to the City from the Arbor Day Foundation.

Wheeldon noted she was from Nebraska, and had visited the home of Arbor Day founder J. Sterling Morton. Explained that Morton was the Secretary of the United States in Michigan, and planted a huge number of trees on his estate.

Mayor Shaw commented on the legacy of trees planted by the pioneers of Ashland. Expressed her appreciation to the Tree Commission for all of their efforts as well.

CONSENT AGENDA

1. Minutes of Boards, Commissions and Committees.

2. Monthly Departmental Reports.

3. Termination of a Portion of a Public Utility Easement adjacent to N. Mountain Avenue on Lot 37 of Mountain Meadows Subdivision, Phase II (Tax Lot 39-1E-04AD-224).

Laws asked that the minutes of the AFN Programming Committee be pulled for discussion under "New and Miscellaneous Business". Hanson asked that the minutes of the Airport Commission be pulled for discussion under "New and Miscellaneous Business".

Councilors Wheeldon/Laws m/s to approve items 2 and 3 from the consent agenda. Voice vote: All AYES. Motion passed.

PUBLIC HEARINGS

1. Public Hearing regarding vacation of New Street from its intersection with Oak Street to its terminus located between Hersey Street and the railroad tracks.

Public Works Director Paula Brown gave a brief synopsis of the proposed vacation. Explained that the request is for the vacation of a portion of New Street, and that Clear Creek Drive would take its place. Brown clarified that this street was originally dedicated in 1911 in its present position. Explained that both sides of the street belong to Ashland Lumber, and they would receive the vacated portion.

Reid concerned with the closure of a possible pedestrian link. Requested clarification that City will not lose the ability to serve this area. Brown confirmed that the pedestrian and bicycle needs in this area can still be addressed with the access provided by Clear Creek Drive.

Shaw stated that during Strategic Planning it had come up that this area should be laid out, as further development will be occurring in the area. Noted that the City has first right of refusal in the future. Stated that this would be a nice area for some type of commerce to occur, and that the lay-out can slow traffic and encourage people to walk. Explained that there is no interest in developing the wetland area because it is not developable. Feels that the wetlands would be a good parcel for the Council to consider acquiring, both in terms of protecting it and providing pedestrian connection to the Railroad District.

Brown noted that sidewalks are ultimately proposed for Clear Creek Drive. Hauck questioned whether it might be worth maintaining the potential for sidewalks between Clear Creek Drive and New Street. Brown stated that the close proximity of these two streets made this unnecessary.

Public hearing opened at 7:28 p.m.

No speakers came forward.

Public hearing closed at 7:28 p.m.

PUBLIC FORUM

Tanya Achiwa/625 B Street, Apt. #2 and Jim Stephens/1000 Terra Avenue/Representing Baha'is of Ashland. Explained that the Baha'i Faith promotes unity, and seeks to establish peace and justice. Emphasized the value placed on the equality of women and men and the elimination of prejudices. Presented Council with copies of the book "Two Wings of A Bird - The Equality of Women and Men," and suggested that the unique statements made in the book would be of value in local decision making. Noted the need to be mindful of the advancement of women in all aspects of life.

Terry Skibby/611 Beach Street/Expressed his support for the library addition and renovation. Important to keep the library at the Carnegie site. Noted condition of the building, need for more space, and the current state of disrepair. Emphasized that the design presented included many much needed improvements, and urged proceeding to address this issue.

Diane Schaffer/583 South Mountain Avenue and Beth Towner/755 Twin Pines Circle Board members of Friends of the Library. Stated that they were here to request that the question of the renovation and addition to the library be placed on the next agenda. However, because the study session to be held Thursday will include a library update, they would like to be included in that. Emphasized efforts that had gone into gathering information in the past two weeks, including attempts to gauge support for the original design that was proposed. Explained that a survey was conducted, with response cards mailed to 300 members of the Friends of the Library and questionnaires placed in the library. Of 120 responses from members and 170 responses from patrons, fully 2/3 favored the original design. A significant portion of those also voted to reduce the cost of the bond issuance with fund raising. Stated that the Friends of the Library would be willing to further analyze the data and bring back further information to the Library.

Fine questioned the third alternative in the survey, noting that the question hinges upon reduced services. Towner confirmed that this was how the question was worded. Shaw indicated that it referred to a reduction from proposed service levels rather than from current levels.

Reid questioned if there were any duplications in the responses from Friends of the Library and the patrons. Schaffer stated that there was nothing to prevent someone from voting twice, but that they felt it was unlikely.

Mayor recognized that the Council had wanted a library design to come in at under \$4 million. Shaw stated that this was not possible. In order for the architect to move forward, they cannot be subject to that cost ceiling.

Fine noted that the Mayor was correct in stating that the Council consensus had been to look at an alternative at lesser cost than the last proposal of \$7.6 million. Also agreed that the project might not be able to be completed for \$4 million. Emphasized that there is a middle ground, and the next proposal brought before Council should be somewhat more modest and less grandiose, with room to grow in the future.

Hauck requested that debate not occur during public forum, and that the Council move on with the business at hand. Shaw stated that Friends of the Library were welcome at the study session Thursday afternoon.

Cate Hartzell/881 East Main Street/Passed out a proposed resolution having to do with urging the state legislature to find adequate funding for K-12 schools. Noted the Mayor's letter to the Governor. Stated that she had trouble with fitting in one section proposed by Councilor Fine dealing with being mindful of ensuring that other vital services are not cut to fund schools. Explained the timeliness of this issue, and emphasized the need to have it reviewed by the Council and approved so that it can be sent to the legislature before they sign off on the final budget.

Councilors Reid/Hauck m/s to put this item on the agenda for consideration under New & Miscellaneous Business. Voice vote: All AYES. Motion passed.

Ralph LePré/2305 C Street/Noted that he had some concerns over the parking structure that was discussed on February 16th. Noted that the Hargadine parking lot was a potential location for the parking structure. Suggested that the City needs to make a decision regarding the purchase of the Mark Antony parking lot to allow for a larger parking structure. Mayor Shaw indicated that this land was not available for purchase. LePré feels that a good looking structure could be done, similar to one that is in Laguna Beach, to take advantage of the slope and location. Does not feel that residents should be made to pay. Suggested that a business assessment district be created so that those benefitted (business owners and the OSF) would pay. Indicated that he was opposed to the idea of parking meters.

UNFINISHED BUSINESS

(None)

NEW AND MISCELLANEOUS BUSINESS

1. Council Meeting Look Ahead.

Shaw requested that item #9 (Mayor's presentation of the Ragland Award) be rescheduled to the regular meeting of May 4th. Freeman noted that the Strategic Plan debriefing session(#4) had been rescheduled to the study session of April 22nd. Hauck explained that the resolution regarding cable television and high speed internet rates (#14) would likely be rescheduled to the regular meeting of May 4th to allow the Programming Committee a little more time to work. Stated that they would let Council know by April 20th.

2. Presentation by Fire Chief regarding the Community Emergency Response Team.

Fire Chief Keith Woodley explained that this program was based on others that are in place in other areas. Introduced program chair Division Chief Susan Shulters, along with Paramedic Trent Stoy and Firefighter/EMT Rees Jones. Noted that Shulters would explain how the program works and what is hoped to be accomplished.

Jones provided an introduction, noting that the CERT program initially started in Los Angeles as a way for neighborhoods to prepare for and respond to earthquakes. Similar programs spread to other areas from there, and after seeing the programs, FEMA expressed its support. With FEMA support the program is now nationally organized, with training materials provided by FEMA. Emphasized that disasters, by their very nature, overwhelm the resources of a community, and the CERT program takes advantage of the availability of citizen volunteers in the event of a disaster. Noted that the program allows the use of trained volunteers through the City's unified command structure and teaches safety procedures. Cited a number of potential situations that can be anticipated (floods, storms, hazardous spills, and earthquakes). Commented on the recent community forums that discussed the Cascadia Subduction Zone's earthquake potential.

Stoy explained that the program is designed to make sure that people are aware of what can happen, and what they can do and deal with on their own. The need to recognize and stay out of hazardous materials. Participants are taught how to deal with casualties, how to perform search and rescue in unstable buildings. Rescue techniques, technology and disaster psychology are explained, and team operation dynamics are also explained.

Shulters noted that they are recruiting volunteers from the community, and explained that various jobs may be assigned to the community response teams. Explained that the goal is to have response teams in each neighborhood, with people assigned duties based on the skills they have. Pointed out that the goal is to prepare individuals, families, and neighborhoods to be able to take care of themselves in the event of a disaster for at least 72 hours. Emphasized that the 24 emergency response personnel in Ashland cannot take care of the needs of a community this size in a disaster, and there is a need to rely on trained community volunteers to reduce potential property damage and the chance of personal injury.

Jones responded that the CERT program is designed to be "stand-alone", without reliance on the Police Department Community Service Volunteers or Neighborhood Watch programs, though participants in those programs are welcomed. Explained that finding a place to conduct the training has been problematic, as space is needed to put together and store training props. Will be using the Public Works lunch room for classes, which will limit class sizes to 20-30 people.

Shulters confirmed that the first class will start April 28th, with sessions to be held weekly for seven weeks on Wednesday evenings for three hours. June 12th will feature a practical session putting skills to work on a Saturday.

Confirmed for Wheeldon that the primary expenses are staff time and facilities, and that these expenses are already taken care of. The expenses beyond that are for a helmet, vest and identification which the City will own but issue out to active team members.

Laws expressed some concern over whether enough people will be involved to contact every household in the City in the time needed in an emergency, when there is no electricity. Woodley explained that this program is in addition to other efforts, and stated that 10 teams could likely provide good saturation of the 6 square miles of the City. Noted that there are also 300 police volunteers, and that there were a number of volunteers who mobilized quickly for the flood.

Laws recognized that it was important to get this program underway quickly, so that there will be enough volunteers trained fast enough to be able to mobilize and canvass the City in an emergency.

Mayor Shaw commented that during the flood, they were able to coordinate efforts to canvass the City and bring together 100 volunteers within twenty minutes. Emphasized that it took only two hours to canvass the City with that kind of support.

Laws concerned with those that may not be ready for participation, and suggested that there needs to be a central location for city employees and volunteers to report to, and that this location needs to be established before hand.

Shulters explained that the goal is to enable the neighborhoods to take care of themselves until emergency personnel can reach them and provide assistance.

3. Request for Sewer Service outside the City limits, but within the City's Urban Growth Boundary - Rob Saladoff and Gerry Mandell - Temple Emek Shalom, 1800 East Main Street (Map 39 1E 11 Tax Lot 900).

Councilor Fine made the following declaration of a conflict of interest, as required by state law, as his reason for recusal: *"I am the attorney for the Probate Estate of the Late Clara Thompson. This Estate is the current owner of the land for which City sewer service is now being requested. The Council's decision on this request will affect the economic interests of my client. Therefore I will now leave the Council Chamber."*

Fine exited the room at 8:25 p.m.

Public Works Director Paula Brown explained that the proposal is to build a sewer line to connect from the existing line, and dedicating that line to the City in order to meet the City's 300' requirement. Brown explained that the request does not entirely meet the current code requirements, but that the possibility of the temple building a line and dedicating it to the City to meet the code has not been discussed. Brown stated that if the Council wishes to pursue this option, she believes that staff will need to be directed to make some changes in the code to allow for that accommodation.

Reid noted that her understanding is that there is an existing residence with a failing septic system, and also questioned the conditions Brown used in qualifying her statement. Brown clarified for Reid that, as indicated in the staff report, there is a single family residence occupied on the site with a septic system that has failed and been tagged as in violation by the County.

Discussed that the middle school is currently using the Nazarene Church for some school functions, and that the Nazarene Church does have City sewer service. Brown confirmed that other residents do not have sewer connections. Explained that the Nazarene Church was given service in 1990, at Council's direction, prior to the latest update to the municipal code.

Brown explained that her understanding was that the proposal would be to run the line downhill from Homes, connecting to East Main, and then down to the trunk line. This would be an 8" main line to the trunk line, and would open the area for development if other criteria were met. Brown noted that there were other options, that the applicant could better explain, and Council could ask questions and direct staff.

Wheeldon questioned potential zoning of this property as it is in the UGB. McLaughlin explained that the area is a mixture of higher density residential zoning. Confirmed for Shaw that Don Greene had not met requirements of the annexation ordinance and was unable to get City sewer connections on his development. Emphasized that the matter being considered is of a different nature, as it involves an existing structure with a failing septic system. Brown noted that historical sewer usage from Temple Emek Shalom has been consistently less than a single family home for the past 12-18 months.

Rabbi Mark Sirinsky/1124 Terra Avenue/Explained the term "shalom", meaning wholeness, as a crucial part of their approach as a religious congregation and a crucial part of the council's approach in representing the citizens of Ashland. Noted that they are a Jewish congregation of 150 families who have served the Jewish community for over 25 years, with 13 years in their present location. Explained that they are motivated by a desire to make the community whole, and cited some of their contributions to the community. Stated that the current building does not meet needs, and they have spent two years looking for a suitable parcel of land. Explained that there are no zoning provisions for houses of worship in the City, and any house of worship must acquire a conditional use permit. Because no suitable and affordable property could be found within the City, they contracted to purchase this 2.1 acre parcel in the urban growth boundary. Met with Planning and with new neighbors. Emphasized that acquiring property is contingent upon septic approval or city sewer connection. Noted that they have a certificate of failed septic system, and subsurface water flow could contaminate nearby properties and waterways if a new system is installed.

Rollie Miller/1780 East Main/Pastor, Church of the Nazarene. In favor of request, want to be good neighbors and work with the congregation. Noted that the Nazarene Church was unable to find a suitable septic site on their 9.3 acres when they went through this same process 7 years ago.

Ken Ogden/1042 Dead Indian Road/Architect, gave details of site, existing sewer system, and proposal. Emphasized that effluent is seeping from the septic system and leeching into surrounding soils and running off into Bear Creek. Proposed removing existing residence and locate the synagogue on the site. Not looking at growth, and both the street access and impacts to the neighborhood exist already. Feel it is important to design to City standards to address inevitable annexation. Looking at a 12,000-15,000 square foot, single story structure using natural materials to be compatible to the neighborhood and sensitive to the environment. Could reduce proposed parking and share with neighboring Nazarene Church to provide more green space.

Stan Shulster/165 Pilot View Drive/Attorney and member of congregation, presented formal request for sewer connection and gave reasons for urging the grant of approval for this request. Cited AMC 14.08.030 wherein the Council may grant requests when they are found to be "in the best interest of the City" and "not detrimental to the City's sewage facilities." Can demonstrate both the existence of benefit and absence of detriment. Noted that the difficulty with this request is in section C, as all other sections have been complied with. This has to do with there needing to be an existing City sewer line within 300 feet. Explained that this provision was intended to prevent residential development whether than institutional expansion. Suggested constructing an 8" city main line, continued across East Main to the Pearson's property, and dedicating this line to the City. This would meet all requirements of the ordinance, and would merely require the permission of the Pearsons to cross their land. Noted that this relocation will remove an eyesore and lessen on-street parking on Mountain Avenue during services at the present temple location.

Shaw questioned increasing the size of the existing line to the Nazarene Church. This would be able to use the same easement, and might be less expensive. Explained that in her interpretation of section C, there is an existing line serving the Church of the Nazarene, and while this is a private service, it connects to the City system, the ordinance does not specifically say "public line." Questioned the wisdom of creating another line and another easement when the existing line could merely be upgraded.

Gerry Mandell/44 Euclid Avenue/Former president of the congregation. Noted that the Nazarene line flow is somewhat uphill, and the proposed line would give a nearby home with failing septic the chance to hook up as well. Felt that the proposed line would be the best placement for the City's potential use when Normal Avenue is completed. Noted that there is not currently a sidewalk on the site, but that provisions can be made for sidewalks and property dedicated as necessary. Emphasized that the temple's sewer use has historically been substantially less than a single family residence.

Don Rist/260 Joy Drive, Talent/Listing agent for the property. Supports temple's request and the City's providing a sewer connection due to failing septic systems, and eliminating potential environmental and health hazards, as well as traffic congestion where the temple is currently situated.

Reid expressed her feeling that issues such as this are meant to be brought before the Council for interpretation, and that if no interpretation were needed, all decisions could be made by staff at City Hall. Feels that a sewer connection here will work for the City, whether a line is put in by the temple and dedicated or the Nazarene line is interpreted as an existing line. Commented on the need to continue to tinker with ordinances to ensure that they are working as intended.

Discussed the effects of this ordinance, as well as state guidelines and the annexation ordinance, as they pertain to development in this area.

Reid suggested updating the inventory map, and stated that the placement and dedication of an 8" line would allow approval of this request. Hauck stated that the 8" line would need to be in place prior to a grant of approval. Reid stated that she would like to give assurance that approval would be granted with the placement of an 8" line.

Laws recollected that Mr. Pearson was unwilling to make an agreement with the City, and as such the line would need to be a private one. Agreed with Hauck that approval before a line exists would be in technical violation of the ordinance. Questioned Nolte on whether approval could be granted contingent upon the installation of a line. Noted disagreement at the time of original ordinance over distance from City main, because at that time it was intended to minimize the number of connections. Would have liked more flexibility to address failing septic systems.

Nolte stated that a conditional approval could be made, but advised that he has given the council information which is opposite of the discussion tonight, although it was also noted that the Council had not yet interpreted this particular provision of the ordinance. Emphasized that interpretation was up to the Council, but that his advice to the temple was because of the development of this ordinance over the years, an existing main meant one that was existing as of the date of the application. Explained that the ordinance was developed so that existing dwellings or building with failing septic systems could hook up to the City system. Previous ordinance required that the building to connect had to exist as of

1973. Council can use the interpretation as discussed, and grant conditional approval on that basis, but that is not the interpretation that he made on this ordinance.

Discussion of the reasoning behind the previous requirement that buildings be pre-existing as of 1973. Noted that it was a way to prevent people from building and letting their septic systems fail knowing that they could get a City connection. This requirement allowed for some control in preventing haphazard extensions of City service. Would not want to do something that was counter to the original reasoning behind this ordinance.

Hauck stated that he could support a conditional approval if the City Attorney feels that it can legally be done.

Hanson feels that if the applicant can bring a line to within 300', the requirements of the ordinance are addressed and he supports approval of the request.

Laws suggested that approval could set a precedent. In the future, anyone willing to pay for a line to within 300 feet of an existing structure on their property could then have City service for a development. Emphasized that he has no serious problem with allowing anyone with a failing septic system within the urban growth boundary to have a connection, but stated that for some time Council has been concerned with extending services too far.

Discussed whether annexation would create a hardship for the properties involved.

Wheeldon stated that this connection was a logical, orderly progression for providing City services and is within the range to make a connection reasonable.

Nolte explained that he could bring a motion back to the next meeting for adoption. Explained that the extra time would allow him to cover all bases in crafting the motion.

Councilors Laws/Reid m/s to approve this request in concept and to direct the City Attorney to bring back a motion addressing those issues raised tonight to the next Council meeting. Voice vote: All AYES. Motion passed.

Called break. Fine returned when the meeting resumed at 9:30 p.m.

4. Discussion of the minutes of the AFN Programming Committee, moved from the Consent Agenda at Councilor Laws' request.

Laws emphasized that this committee is intended to be an independent one, and is to be completely independent of the Council as far as programming is concerned. Read from March 4th meeting minutes, page 6, third paragraph and stated that staff members Zauskey and Lovrovich appear to be giving the committee economic reasons to be considered in programming decisions.

Hauck explained that economic factors must be considered in terms of remaining within the parameters of the AFN Business Plan, as well as considering the costs of purchasing channels themselves. Laws recognized that there are economic considerations that must be considered in terms of staying within the amount of money available, but suggested that it was wrong to force citizens to buy a higher level of service to get more attractive channels.

Wheeldon suggested that this was marketing. Laws recognized this, but suggested that the City seeking to maximize income in its decisions is wrong. Wheeldon noted the difficulty in realizing that this is an independent group of citizens making decisions for the community, and that the Council has no say in it.

Reid expressed her concern that staff is giving direction. Explained that if staff is sent to provide guidance it threatens the independence of the committee. Wheeldon emphasized that staff is very informed about this enterprise, and are providing information from their expertise. Suggested that this is no different than staff providing information for Council.

Shaw stated that staff actions are absolutely appropriate. There is a set amount of money available to purchase the channel lineup, and all channels have a price tag. Setting things up without economic considerations would be irresponsible, and would lose money. This is an independent body, and their decisions are none of Council's business.

Hauck stated that the minutes do not make clear the preliminary decision on the basic cable line-up. Emphasized that the selection will be very extensive and will address many interests. While economic considerations were taken into account, so was the make-up of the community.

Laws agreed that this is an independent committee, but given staff direction shown in the minutes it appears that staff was trying to steer the committee towards making decisions so that expanded basic service more attractive than just basic. Feels that other sections of the minutes give this same indication. Decisions should be based on providing the best service to the people of Ashland, not based on financial attractiveness.

Shaw emphasized that the committee is made up of professionals, with a huge amount of experience in this arena. Should not insult them by saying that a few comments from staff would influence them, given the breadth of experience they have. These are very successful business people who can comfortably make decisions on their own.

Wheeldon feels that it is appropriate to question to ensure that the mission of the committee is clear to the Council, staff and committee members.

Freeman explained that staff is not attempting to influence programming decisions. They are merely trying to make clear that decisions about programming are critical to meeting revenue expectations, and that a great deal of thought needs to be given to channel selection and placement within the line-up. Emphasized the breadth of experience in the cable television industry brought to the table by Vince Zauskey.

Hauck noted that his approach has been "More, Better, Cheaper," and the committee is following the same approach in their programming decisions. People will be able to get more choices, better programming on the tiers, at a lower price.

5. Discussion of the minutes of the Airport Commission, moved from the Consent Agenda at Councilor Hanson's request.

Hanson noted that the minutes indicate that he was absent, when he was in fact present. Noted that he would request that this be changed at the next meeting of the Airport Commission.

Councilors Wheeldon/Reid m/s to approve the remaining items of the consent agenda. Voice vote: All AYES. Motion passed.

6. Discussion of a draft "Resolution in Support of Adequate State School Funding" prepared by Cate Hartzell.

Hanson suggested that education should be funded up front and as a high priority, from the general fund, and there should not be a need to look at finding other sources of revenue such as keeping the kicker refunds.

Fine expressed how troubled he is with the way the legislature has left districts in the lurch as they have attempted to reform school funding. Concerned with the third from the last paragraph indicating an amount to be budgeted for education. Feels it would be sufficient to urge them to allocate enough money, but does not feel it is the Council's place to determine an appropriate amount. Also cited his difficulty with urging every Ashland family to dedicate their kicker refund back to education as some families in Ashland cannot afford this. With those exceptions, he is happy to go on record in support of adequate funding of public education.

Shaw noted that the \$4.95 billion amount was determined by school districts across the state as the amount where they would not be required to make substantial cuts. In Ashland, this amount would allow very modest increases that would

sustain educational programs as they are now. Shaw also explained that relative to the kicker refund, the refund is smaller relative to the amount made.

Hauck stated that \$4.95 billion was from the independent committee report the Governor authorized for the implementation of the Educational Reform Act. This number is a minimum amount to continue where we are while beginning to implement the reforms of that act.

Councilors Laws/Reid m/s to amend the proposed resolution with the following changes: In the third from the last paragraph, it would state "We, the Ashland City Council, do hereby urge Oregon Legislators to approve a budget that will provide adequate funds to at least maintain the existing quality of the state's K-12 education system." And in the last paragraph, it would be amended to urge citizens "if at all possible" to dedicate their family's kickback to education.

DISCUSSION: Discussed the \$4.95 billion amount mentioned, what it would mean for services provided and whether the specific amount needed to be included in a resolution. Shaw noted that the Governor and many in the legislature are looking for support of that level of funding.

Hanson stated he would be willing to indicate at least \$4.95 billion in the resolution.

Laws raised the question of where funds could be found to fund this \$4.95 billion, and expressed his concerns about taking funds away from other services.

Councilors Hauck/Hanson m/s to amend the motion so that the third to the last paragraph in the resolution reads, "We, the Ashland City Council, do hereby urge Oregon Legislators to approve a budget that will provide at least \$4.95 billion for the State's K-12 Education system."

DISCUSSION: Wheeldon recognizes the legislators role in finding funds, but stated that she did not want to jeopardize other programs. Suggested that there needs to be more money in the budget to begin with to better address all needs.

Laws stated that he would be comfortable voting against the motion to amend and for his original motion.

Roll call vote on the motion to amend: Reid, Hauck, Hanson, and Wheeldon, YES. Laws and Fine, NO. Motion passed 4-2.

Roll call vote on the original motion (amended to indicate "at least \$4.95 billion"): Laws, Reid, Hauck, and Wheeldon, YES. Hanson and Fine, NO. Motion passed 4-2.

Councilors Hauck/Reid m/s to adopt the proposed resolution in support of adequate state school funding, as amended: Laws, Reid, Hauck, Hanson, Wheeldon, and Fine, YES. Motion passed.

ORDINANCES, RESOLUTIONS AND CONTRACTS

1. **Second reading by title only of "An Ordinance Requiring Minimum Response Times by Ambulance Operators for Life Threatening Emergencies."**

Councilors Hauck/Reid m/s to adopt Ordinance #2838. Roll call vote: Wheeldon, Laws, Fine, Reid, Hauck, and Hanson, YES. Motion passed.

2. **First reading of "An Ordinance for the Vacation of New Street from its Intersection with Oak Street to its Terminus All of Which is Located between Hersey Street and the Railroad Tracks."**

Councilors Hauck/Reid m/s to move the ordinance to a second reading. Roll call vote: Hanson, Reid, Hauck, Fine, Laws, and Wheeldon, YES. Motion passed.

3. **Reading by title only of "A Resolution Authorizing and Ordering the Local Improvements for Waterline Road from Morton Street 500 feet Easterly to create the Waterline Road Local Improvement District and Authorizing Assessment of the Cost of the Improvements against Property to be Benefitted and Providing that Warrants Issued for the Cost of the Improvement be General Obligations of the City of Ashland, and Authorizing the City to Borrow Money and Issue and Sell Notes for the Purpose of Providing Interim Financing for the Actual Cost of the Local Improvement."**

Councilors Hauck/Wheeldon m/s to adopt Resolution #99-19.

DISCUSSION: Laws noted that the property owners would be willing to sell this property to the City as open space park land, and he understands that the Parks Director has looked at the property and feels it would be well suited to park purposes. Suggested that this needs to be looked into, and the Parks Director spoken to, prior to final action. Suggested postponing the matter until discussion can occur.

Reid stated that the Transportation Plan includes the linking these streets, and that the matter involves the completion of streets that should have been done as part of the subdivision. The issue has more to do with more than the paving of a street to land that is to be developed, it has to do with completing an unpaved street in the subdivision that has been put off, and there is the issue of the paved street being included in the Transportation Plan. Stated that for her, the issue is not merely parks versus development. Would be willing to postpone, but would like to see that all of these issues are addressed.

Shaw questioned whether the proposed local improvements would extend the street far enough to connect to other streets. It was explained that it would not connect now, but would eventually when development occurs at the other end.

Laws explained that the road would be unnecessary if development did not occur, and if the property were purchased as open space, most of the area would not develop.

Mayor stated that approval of the resolution would not cut-off the opportunity for the neighbors to purchase the property for themselves, as open space. Emphasized that Council would be open and willing to hear what they have to say on the matter, with amounts for purchase versus amounts for local improvements. Feels that it would not be right to stop the process at this point however.

Roll call vote: Wheeldon, Laws, Fine, Hanson, Hauck, and Reid, YES. Motion passed.

Councilors Hauck/Fine m/s to continue the meeting to 10:30 p.m. Voice vote: All AYES. Motion passed.

OTHER BUSINESS FROM COUNCIL

Reid pointed out that Council needs to make sure that they have discussed, and answered all questions that Council might have, concerning location, size, traffic flow, and etc., in a public way, regarding the Fire Station. This needs to be done before budget approval. Asked for Council support in evaluating all information.

Shaw noted that the concern here is keeping a spot in the budget in order to place this matter before the voters. Emphasized that it needs to be placed in the budget as a placeholder, and if it is not placed then the matter cannot be sent before the voters. Stated that this could be placed in the budget with the understanding that Council would have the opportunity for further discussion of design, placement, etc.

Fine commented that a senior member of the Council feels that all options have not been adequately looked at to maximize the benefits of the public process, and as such he supports Reid's suggestion. Agreed with putting money in the budget as a placeholder pending further discussion.

Wheeldon questioned whether this needed to occur before the budget discussion was completed, in order to have this matter on the November ballot. Feels there is a need to make a commitment as a Council.

Reid explained that a study session occurred some months ago, and that work can be taken into account. But she is not ready to rely on the previous study session and preliminary plans in approving this matter.

Laws stated that Reid's suggestion should be cost effective, and that there are new ideas to be addressed.

Councilors Wheeldon/Laws m/s to put the issue of re-zoning the Railroad Property from M-1 to E-1, north of the Railroad Tracks and between Oak Street and Mountain Avenue, as requested by Director of Community Development John McLaughlin, onto the agenda. Voice vote: All AYES.

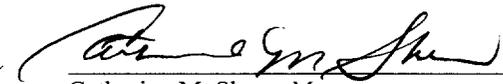
Councilors Laws/Fine m/s to direct staff to pursue this matter and bring the item back to Council in the appropriate manner. Voice vote: All AYES.

ADJOURNMENT

The meeting was adjourned at 10:10 p.m.



Barbara M. Christensen, *City Recorder/Treasurer*



Catherine M. Shaw, *Mayor*