



**TALENT CITY COUNCIL
REGULAR COUNCIL MEETING AGENDA
TOWN HALL
April 20, 2016 – 6:45 P.M.**

Study Session, Regular Council & TURA meetings are being digitally recorded and will be available on the City website

The City Council of the City of Talent will meet in a Regular Council session at 6:45 P.M on Wednesday, April 20th in the Town Hall, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

REGULAR COUNCIL MEETING- 6:45 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the "Citizens Heard on Non-agenda Items" section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

1. Call to Order/Roll Call

2. Pledge of Allegiance

3. Mayor Announcements

3.1 Swearing in Police Chief Curtis Whipple

4. Public Hearings

Public hearings are conducted under a prescribed procedure depending on the topic. The presiding officer will conduct the hearing in accordance with those procedures which will allow for public input at the announced time.

4.1

5. Citizens Heard on Non-Agenda Items

Limited to 5 minutes or less per Mayoral discretion

6. Public Presentations

Items that do not require immediate Council action, such as presentations, discussion of potential future action items. Time limited to 15 minutes per presentation unless prior arrangements have been made.

6.1 None

7. Consent Agenda

The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.

7.1 Approval of Regular Council Meeting Minutes for April 6, 2016.....Page 2-16

7.2 Acknowledge receipt of payables.....Page 17-21

8. Regular Agenda

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

8.1 Grape Fair- Fees and Street Closure.....Page 22

8.2 Approve Noise Permit for Maslow Project.....Page 23-24

8.3 RARE Student Application.....(RARE group meeting on 4/18/16)

8.4 Second Reading, Smoking Ban, Ordinance NO. 16-917-O, An Ordinance prohibiting smoking and tobacco use in the City Parks.....Page 25-26

8.5 Loan to TURA.....(no agenda report)

8.6 Fair Housing Contest.....(no agenda report)

8.7 SDC Annual Rate Adjustment.....Page 27-46

9. Information Items

9.1 None

10. City Manager & Other Department Reports

Items for discussion by the City Manager and Department Heads as needed.

11. Other Business

11.1

12. Mayor and Councilor - Committee Reports and Councilor Comments

Rogue Valley Area Commission on Transportation – Mayor Stricker (alternate)
Together for Talent Committee – Councilor Collins
Metropolitan Planning Organization – Mayor Stricker & Councilor Cooke (alternate)
Planning Commission – Councilor Wise & Councilor Abshire (alternate)
Public Art Advisory Committee – Councilor McManus
Parks Commission – Mayor Stricker
Traffic Safety & Transportation Commission – Councilor Cooke
Rogue Valley Council of Governments – Councilor McManus & Mayor Stricker (alternate)
Talent Historical Society – Councilor Abshire
Harvest Festival Committee – Councilor McManus
Economic Development - Councilor Pederson & Council McManus
Chamber – Councilor Pederson
Talent Charter Review – Councilor Cooke

13. Adjournment

The City of Talent is an Equal Opportunity Provider

Note: This agenda and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are posted on the City of Talent website (www.cityoftalent.org) in advance of each meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.



**TALENT CITY COUNCIL
REGULAR COUNCIL MEETING DRAFT MINUTES
TOWN HALL
April 6, 2016 – 6:45 P.M.**

Study Session, Regular Council & TURA meetings are being digitally recorded and will be available on the City website

The City Council of the City of Talent will meet in a Regular Council session at 6:45 P.M on Wednesday, April 6th in the Town Hall, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

REGULAR COUNCIL MEETING- 6:45 PM

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1. Call to Order/Roll Call

Members Present

**Mayor Stricker
Councilor Cooke
Councilor Pederson
Councilor Wise
Councilor Collins**

Members Absent

**Councilor Cooke
Councilor Abshire**

2. Pledge of Allegiance

3. Mayor Announcements

Mayor Stricker announced upcoming events:

- **Grape Fair June 5th 12-6 PM**
- **Arbor Day – April 9th 10-12 at the Little League Field**
- **Pollinator Garden Dedication – April 14th at the Pollinator Garden**

4. Public Hearings

Public hearings are conducted under a prescribed procedure depending on the topic. The presiding officer will conduct the hearing in accordance with those procedures which will allow for public input at the announced time.

4.1 None

5. Citizens Heard on Non-Agenda Items

Limited to 5 minutes or less per Mayoral discretion

Bobby Townsend – Mr. Townsend spoke regarding the Grape Fair. He proposed to get fees get waived. It was decided to add waiving fees to the next agenda. City Recorder will send Mr. Townsend the Purchasing Policy and Procedure.

6. Public Presentations

Items that do not require immediate Council action, such as presentations, discussion of potential future action items. Time limited to 15 minutes per presentation unless prior arrangements have been made.

6.1 RVCOG Annual Report- Michael Cavallaro – Mr. Cavallaro cancelled and will be presenting on May 18th.

6.2 Rogue River Watershed Council –Sarah Sauter

Sarah Sauter presented a PowerPoint to Council (*see attached*).

Mayor Stricker spoke that the Staff is excited for this opportunity. Mr. Corrigan spoke that Staff needs to look at irrigation.

Ms. Sauter spoke that she would like a support letter from the City before April 29th.

Council spoke in support of the project.

Councilor Collins moved to approve the support letter to Rogue River Watershed Council. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion Passed unanimously.

7. Consent Agenda

The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.

7.1 Approval of Regular Council Meeting Minutes for March 16, 2016

Councilor Collins moved to approve the Council Minutes for March 16th. Councilor Cooke seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8. Regular Agenda

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

8.1 Tennis Court Funds

Mr. Corrigan gave a Staff Report.

Mayor Stricker asked if we had a recommendation from the Parks Commission. Mr. Corrigan answered yes. City Recorder, Melissa Huhtala will get the signed minutes and add to the Council Minutes for the record.

Council discussed options.

Public Input:

Doug Goodwin – 1508 Oregon Street, Ashland- Mr. Goodwin spoke in support regarding pickleball. He spoke that there is more and more interest in the game and thanked Council for addressing this issue. He spoke that there are more pickleball players than tennis players.

Councilor Wise spoke that he would like the Parks Commission to start looking into options of what to do 2-3 years from now when resurfacing will need to be done again.

Councilor Wise moved to reallocate \$17000 from Parks Land Acquisition to Tennis Court Resurfacing. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8.2 Request for early asphalt cut

Mr. Corrigan gave a Staff report.

Public Works Director, Bret Marshall recommended to cut a 10 foot section of asphalt and replace it instead of a moratorium cut.

Public Input:

Debi Rappaport- 203 Gibson St. Talent -Ms. Rappaport spoke not in favor of the cut and explained her reasons why. She requested to deny at this time and look more into the issue.

Council discussed options.

Councilor Pederson spoke that the cut is in the best interest of the City and would like continue with this project.

Councilor Pederson moved to allow the request for a 10 foot cut into LaPree Street with a bond being required and in consultation with the Public Works Director. Councilor Cooke seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8.3 Second Reading, Smoking Ban

Mr. Corrigan gave a Staff report.

Councilor Wise requested to add a definition for smoking products in section 1. It was decided to make the change and bring back to the next meeting.

8.4 Council Goals

Mr. Corrigan gave a Staff report.

It was decided to have Staff go over the Smart Goals and make them more consistent.

Amendments from Council:

- Move Discover funding for solar panels on one or more City buildings, beginning with Community Center or best option from *Public Safety to Infrastructure*.
- Discover funding for solar panels on one or more City buildings, beginning with Community Center and add *"or best option"*.
- Maintain Harvest Festival Stability—~~Decide the City's roll and hire outside source.~~ ~~Determine during the FY 2016-17 Budget~~

Councilor Wise moved adopt the 2016-17 goals as amended. Councilor Cooke seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

Mayor Stricker recommended to start on Council Goals earlier. She also suggested to have requests for goals from Committees and Commissions submitted no later than November 1st and to notify them of this in September.

Councilor Wise would like to have conceptual goals instead of action goals. Councilor Wise will bring Council a draft outline & guidelines for this process.

9. Information Items

9.1 None

10. City Manager & Other Department Reports

Items for discussion by the City Manager and Department Heads as needed.

Mr. Corrigan gave Department and City reports:

- Council liaisons please remind the Commissions/Committees of the Purchasing Procedure.
- Staff will be sending out Styrofoam Ban letters to all the restaurants.
- The basketball court was worked on and the cracks were filled.
- Public Works was able to begin work on the next phase of the Heritage Trail in CR Park within the budget allowed.
- Splash Pad Phase 2 will begin April 11th and will be complete before the end of May.

- Saturday there is a Rain Garden workshop from 1:30-4 PM.
- April 15th SEI's are due.
- Council will be asked to judge a coloring contest to complete a CDBG requirement.
- Staff is working on getting more land acquisition.
- A tree was planted at Old Bridge Village (*see attached*).
- Chief Moran's farewell party will be on April 20th in Town Hall from 3-5 PM.
- Mr. Corrigan asked for direction from the Council regarding a couple items.
 - Marijuana Tax disbursement. He gave an overview of the disbursements.
 - Draft a Diesel Tax Ordinance for future developments.

He explained both of these would need to go to the voters. Council gave consensus to move forward with these items.

- Mr. Corrigan spoke that for a future agenda to begin to look at non-voter Park fees or fees overall for Parks. It was decided to discuss the Parks Ordinance with the Parks Commission.

11. Other Business

11.1 Councilor Pederson questioned the progress on the Front street project. Mr. Corrigan spoke that there was an additional application and had to pay \$1000 for pipeline crossing. The City is waiting to get one more thing back from the railroad and then it will be ready to go out to bid.

Councilor Pederson spoke regarding the sidewalk on the East side of HWY 99 and suggested extending the sidewalk to the greenway. He spoke he would like to discuss this. It was decided to bring this back to Council in June.

Mayor Stricker suggested to work on integrated pest management in 2017. It was discussed that Staff will be doing a training. It was suggested to put this in goals and for Together for Talent to put together a proposal. Councilor Collins will go to go to Together for Talent for a proposal.

12. Mayor and Councilor - Committee Reports and Councilor Comments

Rogue Valley Area Commission on Transportation – Mayor Stricker (alternate)
 Together for Talent Committee – Councilor Collins
 Metropolitan Planning Organization – Mayor Stricker & Councilor Cooke (alternate)
 Planning Commission – Councilor Wise & Councilor Abshire (alternate)
 Public Art Advisory Committee – Councilor McManus
 Parks Commission – Mayor Stricker
 Traffic Safety & Transportation Commission – Councilor Cooke
 Rogue Valley Council of Governments – Councilor McManus & Mayor Stricker (alternate)
 Talent Historical Society – Councilor Abshire
 Harvest Festival Committee – Councilor McManus
 Economic Development - Councilor Pederson & Councilor McManus
 Chamber – Councilor Pederson
 Talent Charter Review – Councilor Cooke

Councilor Wise announced he attended the Planning Commission meeting he spoke they had 4 conditional use permits for Medical Marijuana shops and gave a brief overview.

Councilor Pederson announced he attended the Chamber meeting. He spoke that they are focusing on memberships. They also discussed the Grape Fair planning. He also attended the Economic Development Committee meeting to review the draft summary that was developed last fall.

Councilor Collins announced she attended the Together for Talent Meeting and gave updates:

- Reviewed draft Ordinance.
- Discussed Budget.
- May 7th Recycle Drop off and City Wide Yard Sale.
- Dedication for the Pollinator Garden April 14th at 3:30

Mayor Stricker announced she did not attend Parks but would like the Parks Minutes attached to the Council Minutes.

Councilor Cooke had no announcements.

13. Adjournment

The Council Meeting was adjourned at: 9:17 PM

Respectfully submitted by:

City Recorder, Melissa Huhtala

Attest:

City Manager, Tom Corrigan

The City of Talent is an Equal Opportunity Provider

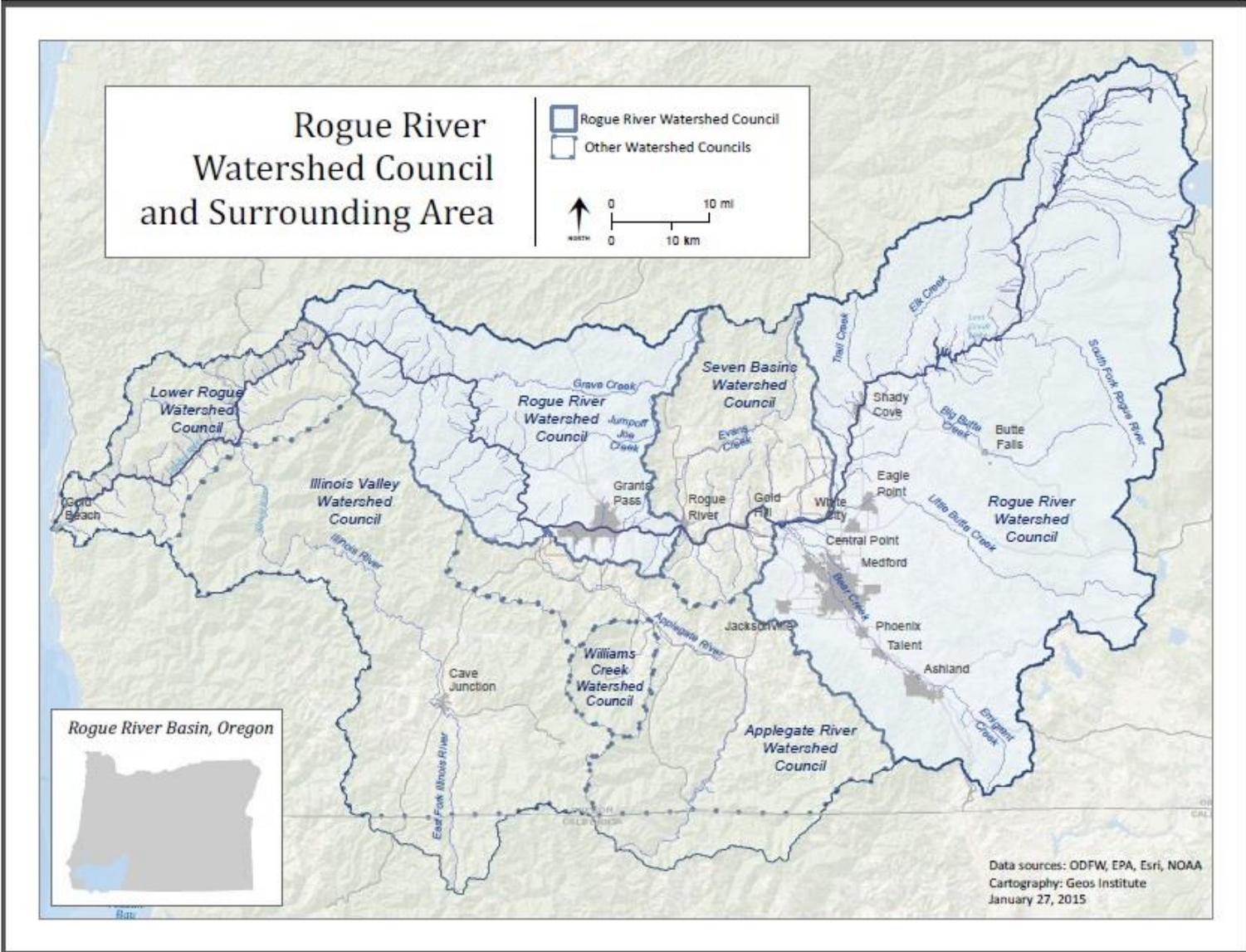
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Wagner Creek Project

A Water Quality Improvement Partnership with the
City of Talent and Rogue River Watershed Council



Why am I here tonight?

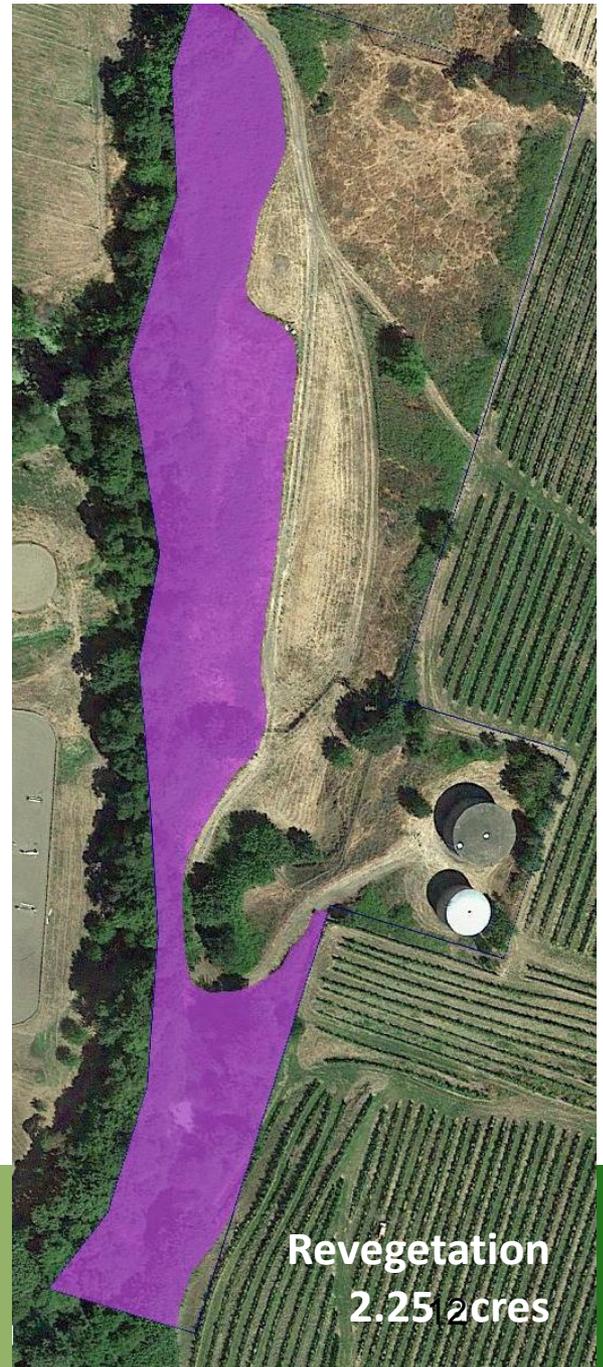
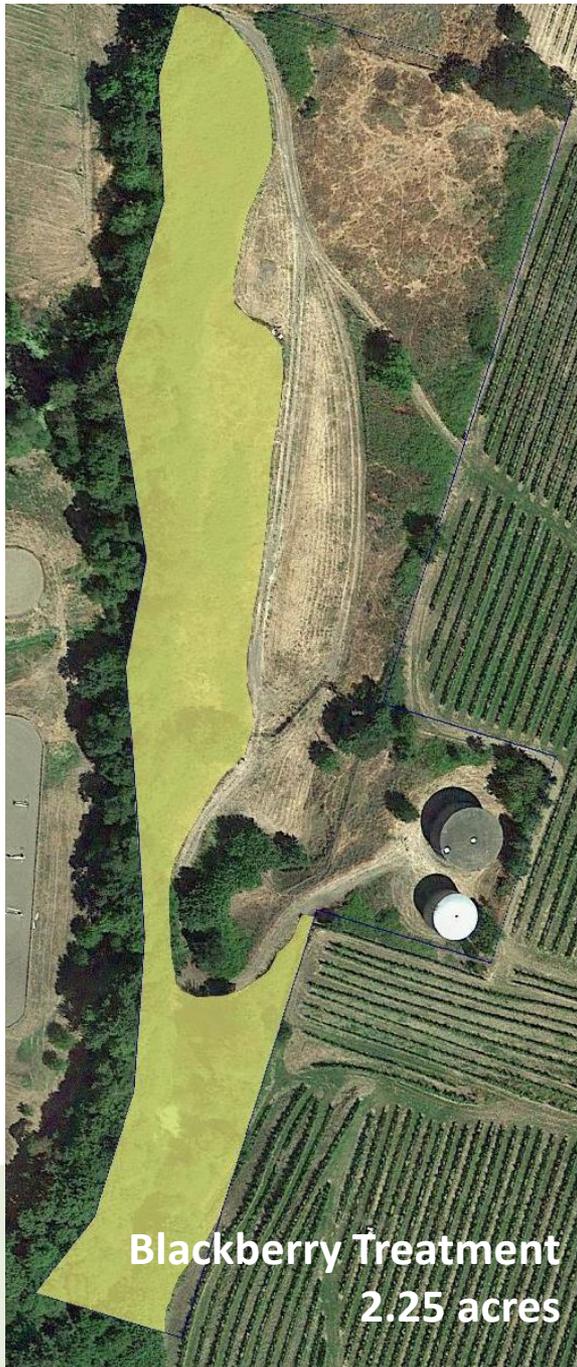
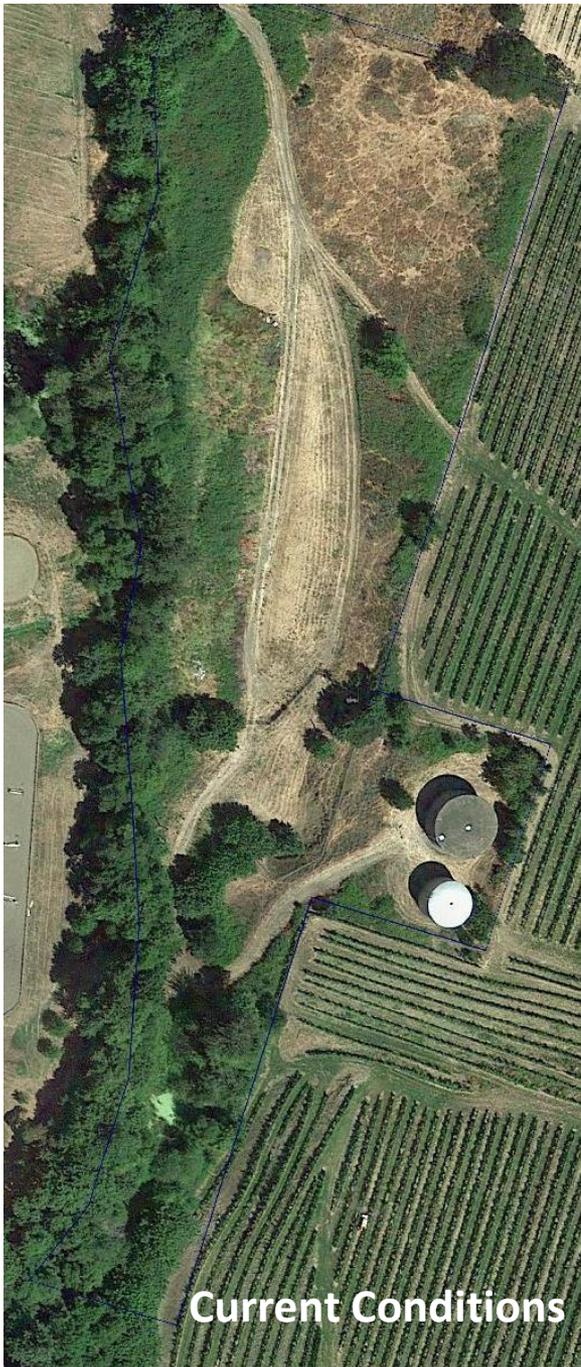


Talent Community Hall

The Project: 1.6 mi of Wagner Creek

Google earth





Project Steps & Timeline

- Secure commitments from partnering landowners
- Funding:
 - OWEB-ODA Grant - May 2, 2016
 - OWEB Restoration Grant - October 2016
 - Others
- Permits – Jackson County Riparian Permit
- Blackberry Removal (Summer/Fall 2016 – Fall 2017)
- Native Plantings (Spring 2018)
- Plant Establishment/Maintenance (2018-2020+)

Project Budget

Total Project Budget = \$250,000*

*depending on # of partners

City of Talent = \$45,000

Blackberry Removal = \$4,000

Site Preparation = \$4,500

Planting = \$8,000

Irrigation = \$5,600

Plant Establishment = \$7,000

Maintenance = \$5,200/yr (at least 2 yrs)

City of Talent In-Kind Match Contribution = \$26,000

Questions?

Sarah Sauter

Water Quality Improvement Program Manager

Rogue River Watershed Council

ssauter@rogueriverwc.org

www.rogueriverwc.org

541-644-1070 x430





City Council Accounts Payable Report

March 1 – March 31, 2016

| | | | |
|---------------|----------------------------|------------------------|---------------------------|
| Meeting Date: | April 20, 2016 | Primary Staff Contact: | Denise Woodman <i>dfw</i> |
| Department: | Administration and Finance | E-Mail: | denise@cityoftalent.org |
| Approval: | Thomas J. Corrigan | Secondary Contact: | |

Attached is the check register for March 1 – March 31, 2016 for your review. Miscellaneous reimbursements, Town Hall/Community Center deposits and Utility Billing credit balance refunds (STMP...) were issued on March 28th, checks numbered 28041 through 28051 and on March 31st, checks numbered 28058 through 28066. Other expenditures for this period include:

- American Leak Detection – Leak Survey at 205 South Pacific Hwy. -\$525.00
- Copeland Construction – Remove and replace fire hydrant on Suncrest Road and Rapp Road - \$10,249.25
- Deluxe Awning – New canvas and valance for Depot Building - \$2,686.00
- Extreme Products – Police uniform and body armor- \$1,379.33
- PacWest Machinery LLC – Street Sweeper replacement brooms -\$661.52
- Adroit Construction Co. Inc.– Community Center gas piping -\$1,983.14
- Asante Physician Partners– Pre-employment duty physical and annual audio screenings - \$751.00
- Central Oregon & Pacific Railroad– North Front Street improvements underground pipeline application - \$1,000.00
- Deschutes County Sheriffs Office – 2 used patrol vehicles for PD - \$1,500.00
- Economic Consultants Oregon LTD –Talent Economic Opportunities Analysis - \$3,505.00
- FDJ Enterprises Inc – Community Center blinds and installation - \$1,596.00
- Skylark III Inc dba Keith Schultz Garage – Service PW 2008 Ford F350 - \$513.36
- Pilot Rock Excavation Inc – Granite for Chuck Robert’s Park Heritage Trail - \$1,112.94
- RH2 Engineering Inc. – North Front Street engineering and future project consultation - \$5,497.99
- Sensus Metering Systems Inc. – Annual software support - \$1,838.00
- Taurus Power And Controls Inc. – SCADA upgrade billing #1 - \$3,858.70
- United Rentals Inc. – Rental of Skid Steer for Heritage Trail project - \$975.00
- Welburn Electric Inc. – Install 50amp circuit at Skate Park - \$492.60

If you see any items that you would like clarification on, please give me a call or send me an email.



| Chq/Ref # | Check Date | Vendor | Vendor Name | Status | Batch | Medium | Amount |
|------------|-------------|----------|-----------------------------------|---------|-------|--------|----------|
| 00320-0001 | 02-Mar-2016 | UNITE002 | UNITED STATES TREASURY PR TAX EFT | Cleared | 234 | E | 26.23 |
| 00321-0001 | 14-Mar-2016 | ORDOJ002 | OREGON DEPT OF JUSTICE | Cleared | 239 | E | 193.00 |
| 00321-0002 | 14-Mar-2016 | ORPUB003 | OREGON PUBLIC EMPLOYEES RETIREM | Cleared | 239 | E | 8130.19 |
| 00321-0003 | 14-Mar-2016 | ORREV002 | OREGON DEPARTMENT OF REVENUE | Cleared | 239 | E | 4756.84 |
| 00321-0004 | 14-Mar-2016 | UNITE002 | UNITED STATES TREASURY PR TAX EFT | Cleared | 239 | E | 15440.17 |
| 00322-0001 | 29-Mar-2016 | ORDOJ002 | OREGON DEPT OF JUSTICE | Cleared | 245 | E | 193.00 |
| 00322-0002 | 29-Mar-2016 | ORPUB003 | OREGON PUBLIC EMPLOYEES RETIREM | Cleared | 245 | E | 8182.53 |
| 00322-0003 | 29-Mar-2016 | ORREV002 | OREGON DEPARTMENT OF REVENUE | Cleared | 245 | E | 5079.67 |
| 00322-0004 | 29-Mar-2016 | OTEAM001 | OREGON TEAMSTERS EMPLOYERS TRU | Cleared | 245 | E | 29087.04 |
| 00322-0005 | 29-Mar-2016 | UNITE002 | UNITED STATES TREASURY PR TAX EFT | Cleared | 245 | E | 16607.92 |
| 27950 | 10-Mar-2016 | ALSCO001 | ALSCO INC. | Cleared | 236 | C | 265.25 |
| 27951 | 10-Mar-2016 | AMERI007 | AMERICAN LEAK DETECTION INC | Cleared | 236 | C | 525.00 |
| 27952 | 10-Mar-2016 | AVIST001 | AVISTA UTILITIES | Cleared | 236 | C | 1249.87 |
| 27953 | 10-Mar-2016 | BUTLE002 | BUTLERS GLASS SERVICE | Cleared | 236 | C | 63.10 |
| 27954 | 10-Mar-2016 | C&SFI001 | POTTER, STEVEN | Cleared | 236 | C | 130.00 |
| 27955 | 10-Mar-2016 | CANTE001 | CANTEL OF MEDFORD INC. | Cleared | 236 | C | 64.00 |
| 27956 | 10-Mar-2016 | CHIEF001 | CHIEF SUPPLY CORPORATION | Cleared | 236 | C | 131.95 |
| 27957 | 10-Mar-2016 | CITOT003 | CITY OF TALENT | Cleared | 236 | C | 23.37 |
| 27958 | 10-Mar-2016 | COPEL002 | COPELAND CONSTRUCTION LLC | Cleared | 236 | C | 10249.25 |
| 27959 | 10-Mar-2016 | CORED001 | COREY, PH.D., ABPP, DAVID M. | Cleared | 236 | C | 420.00 |
| 27960 | 10-Mar-2016 | COVEY001 | COVER YOUR ASSETS EVENT SECURIT' | Cleared | 236 | C | 39.00 |
| 27961 | 10-Mar-2016 | DELUX002 | DELUXE AWNING CO. | Cleared | 236 | C | 2686.00 |
| 27962 | 10-Mar-2016 | EXTRP001 | EXTREME PRODUCTS / CHOUGH INC | Cleared | 236 | C | 1379.33 |
| 27963 | 10-Mar-2016 | FEDEX001 | FEDEX | Cleared | 236 | C | 47.94 |
| 27964 | 10-Mar-2016 | FERGU001 | FERGUSON WATERWORKS INC. | Cleared | 236 | C | 906.36 |
| 27965 | 10-Mar-2016 | HANSE001 | HANSEN'S MOTORCYCLES | Cleared | 236 | C | 571.11 |
| 27966 | 10-Mar-2016 | HDFOW001 | H.D. FOWLER COMPANY INC. | Cleared | 236 | C | 325.00 |
| 27967 | 10-Mar-2016 | JCPLA001 | JACKSON COUNTY PLANNING AND DEVI | Cleared | 236 | C | 4224.36 |
| 27968 | 10-Mar-2016 | JCROA001 | JACKSON COUNTY ROADS | Cleared | 236 | C | 813.52 |
| 27969 | 10-Mar-2016 | LTMME001 | LTM MEDFORD INC | Cleared | 236 | C | 325.68 |
| 27970 | 10-Mar-2016 | MEDFO002 | MEDFORD WATER COMMISSION | Cleared | 236 | C | 3414.04 |
| 27971 | 10-Mar-2016 | METAL001 | METAL MASTERS INC | Cleared | 236 | C | 176.00 |
| 27972 | 10-Mar-2016 | METRO001 | METRO PRESORT INC. | Cleared | 236 | C | 1081.68 |
| 27973 | 10-Mar-2016 | OFFIC001 | OFFICEMAX CONTRACT INC. | Cleared | 236 | C | 216.37 |
| 27974 | 10-Mar-2016 | ONECA001 | ONE CALL CONCEPTS INC. | Cleared | 236 | C | 100.32 |
| 27975 | 10-Mar-2016 | ORCON001 | OREGON DEPT OF CONSUMER & BUSIN | Cleared | 236 | C | 668.18 |
| 27976 | 10-Mar-2016 | ORENV001 | OREGON ENVIORNMENTAL COUNCIL | Cleared | 236 | C | 40.00 |
| 27977 | 10-Mar-2016 | PACIF003 | PACIFIC SURVEY SUPPLY | Cleared | 236 | C | 811.95 |
| 27978 | 10-Mar-2016 | PACWE002 | PACWEST MACHINERY LLC | Cleared | 236 | C | 661.52 |
| 27979 | 10-Mar-2016 | PATHW001 | PATHWAY ENTERPRISES INC. | Cleared | 236 | C | 1118.86 |
| 27980 | 10-Mar-2016 | PHOEN002 | PHOENIX-TALENT SCHOOL DISTRICT | Cleared | 236 | C | 3398.81 |
| 27981 | 10-Mar-2016 | PILOT001 | PILOT ROCK EXCAVATION INC. | Cleared | 236 | C | 343.05 |
| 27982 | 10-Mar-2016 | RECOL001 | RECOLOGY ASHLAND SANITARY SERVIC | Cleared | 236 | C | 291.25 |
| 27983 | 10-Mar-2016 | RICOH001 | RICOH USA INC. | Cleared | 236 | C | 545.18 |



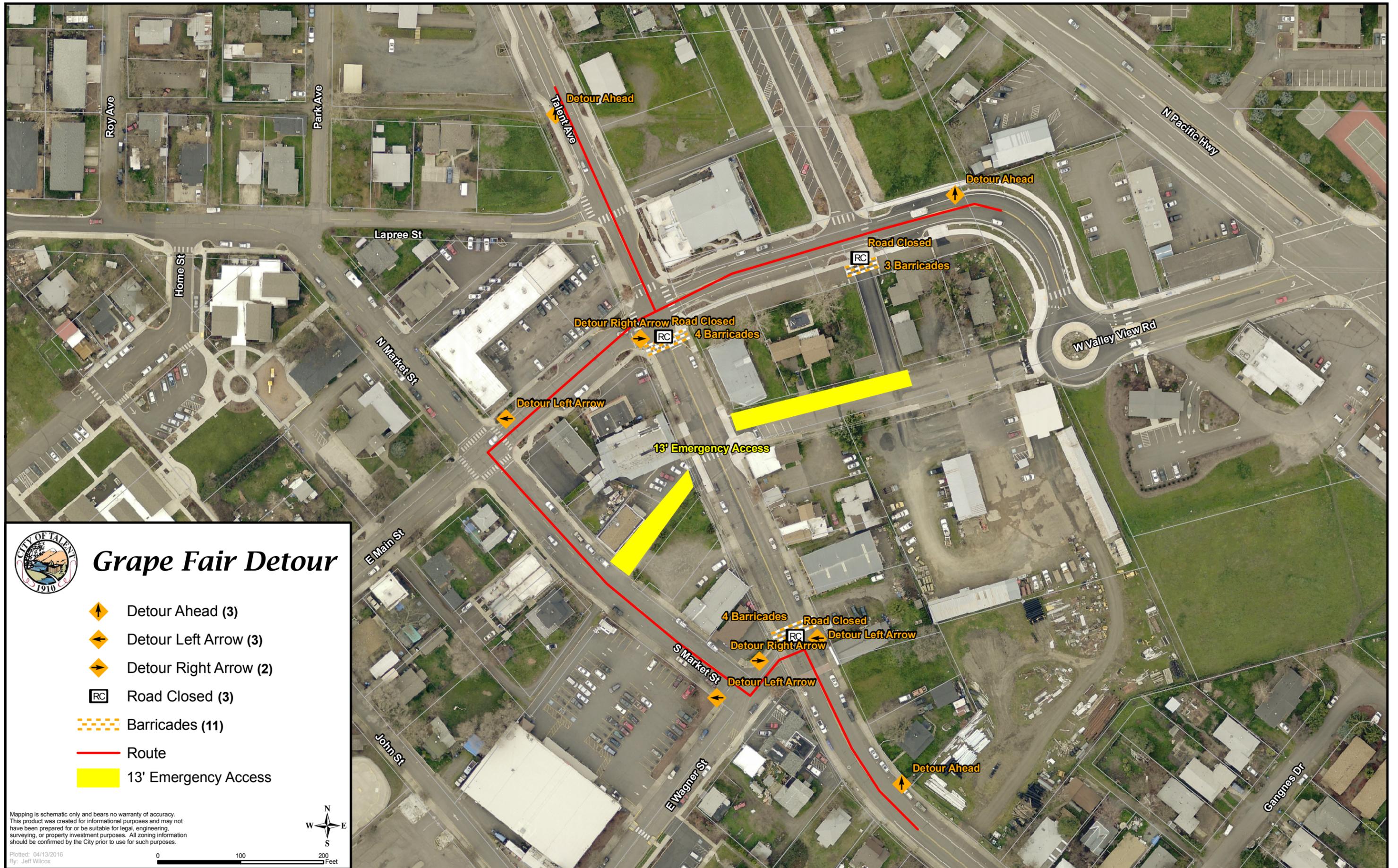
| Chq/Ref # | Check Date | Vendor | Vendor Name | Status | Batch | Medium | Amount |
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| 27984 | 10-Mar-2016 | ROGUE003 | ROGUE VALLEY SEWER SERVICES | Cleared | 236 | C | 407.87 |
| 27985 | 10-Mar-2016 | SNEAK001 | SNEAK PREVIEW NEWS & REVIEW LLC | Cleared | 236 | C | 1000.00 |
| 27986 | 10-Mar-2016 | SOSAL001 | SOS ALARM INC | Cleared | 236 | C | 256.35 |
| 27987 | 10-Mar-2016 | STEPF001 | STEP FORWARD ACTIVITIES INC. | Cleared | 236 | C | 679.56 |
| 27988 | 10-Mar-2016 | THEST001 | THE STICKER DUDE INC | Cleared | 236 | C | 40.47 |
| 27989 | 10-Mar-2016 | VERIZ001 | VERIZON WIRELESS | Cleared | 236 | C | 200.05 |
| 27990 | 14-Mar-2016 | HRAVE001 | HRA VEBA TRUST | Cleared | 238 | C | 1265.00 |
| 27991 | 14-Mar-2016 | NATIO004 | NATIONWIDE RETIREMENT SOLUTION | Cleared | 238 | C | 32.31 |
| 27992 | 14-Mar-2016 | ORSAV001 | VOYA-STATE OF OREGON PLAN | Cleared | 238 | C | 530.00 |
| 27993 | 14-Mar-2016 | TEAMS001 | TEAMSTERS LOCAL 223 | Cleared | 238 | C | 884.00 |
| 27994 | 14-Mar-2016 | VANTA001 | VANTAGEPOINT TRANSFER AGENTS 306 | Cleared | 238 | C | 1407.50 |
| 27995 | 24-Mar-2016 | ADROI001 | ADROIT CONSTRUCTION CO.INC. | Cleared | 241 | C | 1983.14 |
| 27996 | 24-Mar-2016 | ALSCO001 | ALSCO INC. | Cleared | 241 | C | 223.09 |
| 27997 | 24-Mar-2016 | ASANT002 | ASANTE PHYSICIAN PARTNERS | Cleared | 241 | C | 751.00 |
| 27998 | 24-Mar-2016 | ATTWI001 | AT&T MOBILITY | Cleared | 241 | C | 584.74 |
| 27999 | 24-Mar-2016 | BANKO002 | BANK OF AMERICA | Cleared | 241 | C | 396.50 |
| 28000 | 24-Mar-2016 | BUTLE001 | BUTLER FORD INC. | Cleared | 241 | C | 29.95 |
| 28001 | 24-Mar-2016 | CENTR001 | CENTRAL OREGON & PACIFIC RAILROAD | Issued | 241 | C | 1000.00 |
| 28002 | 24-Mar-2016 | CHART001 | CHARTER COMMUNICATIONS | Cleared | 241 | C | 89.98 |
| 28003 | 24-Mar-2016 | CHEVR001 | CHEVRONTEXACO CARD SERVICES | Cleared | 241 | C | 20.97 |
| 28004 | 24-Mar-2016 | DESCH001 | DESCHUTES COUNTY SHERIFFS OFFICE | Cleared | 241 | C | 1500.00 |
| 28005 | 24-Mar-2016 | DOOLE001 | DOOLEY ENTERPRISES INC. | Cleared | 241 | C | 487.45 |
| 28006 | 24-Mar-2016 | ECONO001 | ECONOMIC CONSULTANTS OREGON LTI | Cleared | 241 | C | 3505.00 |
| 28007 | 24-Mar-2016 | EVERG001 | EVERGREEN SKATEPARKS LLC | Issued | 241 | C | 475.00 |
| 28008 | 24-Mar-2016 | EWING001 | EWING | Cleared | 241 | C | 19.40 |
| 28009 | 24-Mar-2016 | FDJEN001 | FDJ ENTERPRISES INC. DBA BUDGET BI | Cleared | 241 | C | 1596.00 |
| 28010 | 24-Mar-2016 | FERGU001 | FERGUSON WATERWORKS INC. | Cleared | 241 | C | 994.57 |
| 28011 | 24-Mar-2016 | HOMED001 | HOME DEPOT CREDIT SERVICES | Cleared | 241 | C | 184.77 |
| 28012 | 24-Mar-2016 | HUNTE001 | HUNTER COMMUNICATIONS INC | Cleared | 241 | C | 1420.64 |
| 28013 | 24-Mar-2016 | JCROA001 | JACKSON COUNTY ROADS | Cleared | 241 | C | 852.59 |
| 28014 | 24-Mar-2016 | JCTRE001 | JACKSON COUNTY TREASURER | Issued | 241 | C | 64.00 |
| 28015 | 24-Mar-2016 | KEITH002 | SKYLARK III INC dba KEITH SCHULTZ GA | Cleared | 241 | C | 513.36 |
| 28016 | 24-Mar-2016 | LOCKW001 | LOCKWOODS AUTOMOTIVE | Cleared | 241 | C | 213.93 |
| 28017 | 24-Mar-2016 | MAILT001 | MAIL TRIBUNE ADVERTISING | Cleared | 241 | C | 172.20 |
| 28018 | 24-Mar-2016 | MEDFO004 | MEDFORD BUILDERS EXCHANGE | Cleared | 241 | C | 7.50 |
| 28019 | 24-Mar-2016 | MIKES001 | MIKES A FULL SERVICE PRINTER INC. | Cleared | 241 | C | 26.40 |
| 28020 | 24-Mar-2016 | NEILS001 | NEILSON RESEARCH CORP. | Cleared | 241 | C | 223.50 |
| 28021 | 24-Mar-2016 | NEWEG001 | NEWEGG BUSINESS INC. | Cleared | 241 | C | 373.98 |
| 28022 | 24-Mar-2016 | OFFIC001 | OFFICEMAX CONTRACT INC. | Cleared | 241 | C | 306.28 |
| 28023 | 24-Mar-2016 | ORHUM001 | OREGON HEALTH AUTH. / PUBLIC HEALTH | Cleared | 241 | C | 97.50 |
| 28024 | 24-Mar-2016 | ORREV001 | OREGON DEPT OF REVENUE: CRIMINAL | Cleared | 241 | C | 159.00 |
| 28025 | 24-Mar-2016 | PACIF001 | PACIFIC POWER | Cleared | 241 | C | 8065.46 |
| 28026 | 24-Mar-2016 | PILOT001 | PILOT ROCK EXCAVATION INC. | Cleared | 241 | C | 1112.94 |
| 28027 | 24-Mar-2016 | PRONT001 | PRONTO PRINT / EPIGRAPHICS INC. | Cleared | 241 | C | 376.24 |



| Chq/Ref # | Check Date | Vendor | Vendor Name | Status | Batch | Medium | Amount |
|-----------|-------------|------------|---------------------------------------|---------|-------|--------|---------|
| 28028 | 24-Mar-2016 | RHENG001 | RH2 ENGINEERING INC. | Cleared | 241 | C | 5497.99 |
| 28029 | 24-Mar-2016 | RICOH001 | RICOH USA INC. | Cleared | 241 | C | 449.58 |
| 28030 | 24-Mar-2016 | ROGUE005 | ROGUE VALLEY COUNCIL OF GOVERNMENT | Cleared | 241 | C | 7504.10 |
| 28031 | 24-Mar-2016 | SENSU001 | SENSUS METERING SYSTEMS INC | Cleared | 241 | C | 1838.00 |
| 28032 | 24-Mar-2016 | SNEAK001 | SNEAK PREVIEW NEWS & REVIEW LLC | Cleared | 241 | C | 599.00 |
| 28033 | 24-Mar-2016 | SPEER001 | SPEER HOYT LLC | Cleared | 241 | C | 2226.40 |
| 28034 | 24-Mar-2016 | STANL001 | STANLEY CONVERGENT SECURITY SOLUTIONS | Cleared | 241 | C | 165.96 |
| 28035 | 24-Mar-2016 | TAURU001 | TAURUS POWER AND CONTROLS INC. | Cleared | 241 | C | 3858.70 |
| 28036 | 24-Mar-2016 | TIREF001 | NELSON TIRE INC. DBA EDS TIRE FACTORY | Cleared | 241 | C | 762.70 |
| 28037 | 24-Mar-2016 | UNITE003 | UNITED RENTALS INC | Cleared | 241 | C | 975.00 |
| 28038 | 24-Mar-2016 | WATER001 | WATERSHED INC. | Cleared | 241 | C | 42.28 |
| 28039 | 24-Mar-2016 | WCPSO001 | WCP SOLUTIONS INC | Cleared | 241 | C | 399.60 |
| 28040 | 24-Mar-2016 | WELLB001 | WELBURN ELECTRIC INC. | Cleared | 241 | C | 492.60 |
| 28041 | 28-Mar-2016 | AITKA001 | AITKEN, ASHLEY | Issued | 243 | C | 100.00 |
| 28042 | 28-Mar-2016 | CHICD001 | CHICKERING, DONNA | Cleared | 243 | C | 100.00 |
| 28043 | 28-Mar-2016 | FRIEN001 | FRIENDS OF THE ANIMAL SHELTER | Cleared | 243 | C | 200.00 |
| 28044 | 28-Mar-2016 | JONEA001 | JONES, AUDREY | Cleared | 243 | C | 150.00 |
| 28045 | 28-Mar-2016 | KINNS001 | KINNEY, SHENITTA | Cleared | 243 | C | 150.00 |
| 28046 | 28-Mar-2016 | MOODZ001 | MOODY, ZACHARY | Cleared | 243 | C | 61.85 |
| 28047 | 28-Mar-2016 | NARC0002 | NARCOTICS ANONYMOUS MENS UNLOCK | Cleared | 243 | C | 200.00 |
| 28048 | 28-Mar-2016 | PADIE001 | PADILLA, ERENDIDA | Cleared | 243 | C | 150.00 |
| 28049 | 28-Mar-2016 | ROGUR001 | ROGUE RIVERKEEPER | Cleared | 243 | C | 320.00 |
| 28050 | 28-Mar-2016 | SLAYR001 | SLAYTON, ROBERT | Issued | 243 | C | 84.00 |
| 28051 | 28-Mar-2016 | WOODD000 | WOODMAN, DENISE | Issued | 243 | C | 82.77 |
| 28052 | 29-Mar-2016 | AFLAC001 | AFLAC | Cleared | 246 | C | 1203.66 |
| 28053 | 29-Mar-2016 | NATIO004 | NATIONWIDE RETIREMENT SOLUTION | Cleared | 246 | C | 32.31 |
| 28054 | 29-Mar-2016 | ORSAV001 | VOYA-STATE OF OREGON PLAN | Cleared | 246 | C | 530.00 |
| 28055 | 29-Mar-2016 | STAND001 | STANDARD INSURANCE CO | Cleared | 246 | C | 1107.10 |
| 28056 | 29-Mar-2016 | STAND001 | STANDARD INSURANCE CO | Cleared | 246 | C | 13.50 |
| 28057 | 29-Mar-2016 | VANTA001 | VANTAGEPOINT TRANSFER AGENTS 3000 | Cleared | 246 | C | 1407.50 |
| 28058 | 31-Mar-2016 | STMP001441 | CLEARVIEW RESIDENTIAL DEVELOPMENT | Cleared | 257 | C | 55.84 |
| 28059 | 31-Mar-2016 | STMP001442 | CLEARVIEW RESIDENTIAL DEVELOPMENT | Cleared | 257 | C | 52.52 |
| 28060 | 31-Mar-2016 | STMP001443 | ROZENFELD, MICHAEL | Issued | 257 | C | 12.83 |
| 28061 | 31-Mar-2016 | STMP001444 | CLEARVIEW RESIDENTIAL DEVELOPMENT | Cleared | 257 | C | 53.23 |
| 28062 | 31-Mar-2016 | STMP001445 | REESE, KATHI | Issued | 257 | C | 38.57 |
| 28063 | 31-Mar-2016 | STMP001446 | DAVIS, TYLER | Issued | 257 | C | 35.75 |
| 28064 | 31-Mar-2016 | STMP001447 | WHITTLE CONSTRUCTION | Cleared | 257 | C | 23.47 |
| 28065 | 31-Mar-2016 | STMP001448 | DAVIDSON, DENNIS | Issued | 257 | C | 56.39 |
| 28066 | 31-Mar-2016 | STMP001449 | SUNCREST HOMES | Cleared | 257 | C | 66.39 |
| 28067 | 31-Mar-2016 | USBAN004 | U.S. BANK CORPORATE PAYMENT SYSTEM | Cleared | 257 | C | 1794.17 |



| Chq/Ref # | Check Date | Vendor | Vendor Name | Status | Batch | Medium | Amount |
|-----------------------|------------|------------|---------------------------|--------|-----------|--------------|------------|
| Total Computer Paid : | | 104,731.25 | Total EFT PAP : | | 87,696.59 | Total Paid : | 192,427.84 |
| Total Manually Paid : | | 0.00 | Total EFT File Transfer : | | 0.00 | | |



Grape Fair Detour

- Detour Ahead (3)
- Detour Left Arrow (3)
- Detour Right Arrow (2)
- Road Closed (3)
- Barricades (11)
- Route
- 13' Emergency Access



Mapping is schematic only and bears no warranty of accuracy. This product was created for informational purposes and may not have been prepared for or be suitable for legal, engineering, surveying, or property investment purposes. All zoning information should be confirmed by the City prior to use for such purposes.

Plotted: 04/13/2016
By: Jeff Wilcox



CITY OF TALENT • COMMUNITY DEVELOPMENT

PO Box 445, Talent, Oregon 97540
Phone: (541) 535-7401 Fax: (541) 535-7423 www.cityoftalent.org

NOISE PERMIT

Pursuant to Ordinance# 523, Section 4, upon application to the Community Development, and approval from the City Council, Community Development may grant permits to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches, or general entertainment as a part of a national, state or City event, public festivals or special events of a noncommercial nature. The decision of the City Council shall be the final decision. The broadcast or amplification shall not be audible for a distance of more than one thousand (1000) feet from the instrument, speaker, or amplifier.

In addition, the applicant must contact residents in the immediate area that may be affected by the noise and advise them in advance of any amplification (a NOTIFICATION TO SURROUNDING RESIDENTS OF INTENTION TO HOLD EVENT WITH AMPLIFIED MUSIC - form is attached for your convenience). If the amplification is too loud, the applicant should be contacted directly by the affected person. In the event the Police Department has to intervene, the permit will be voided at the time of the event and amplification shall not be allowed to continue. Please be considerate of others in your neighborhood.

By signing this application, you are agreeing to the time allotted by the Chief of Police for the amplified music to operate and take responsibility to seeing that the information on this form is followed, including notifying surrounding residents in advance of an upcoming event.

Name of Applicant: Bill Newell Phone: 541 621 2096

Address or e-mail of Applicant: billnewellii@gmail.com

Type of Event: Car Show

Location of Event: 300 w Valley view rd Talent OR 97540

Date of Event: May 14th Time of Event: 9am 4pm

Number of People Expected: 1200 Time of Amplification: From 9am to 3pm

(Amplification: No later than 9:00 p.m. Sun - Thurs and 10:00 p.m. Fri & Sat)

Table with 4 columns: For Official Use Only, Date Approved by Council, City Manager's Review, and Signature. The table is mostly obscured by a dark pattern.

SUP 16002

In compliance with the Americans with Disabilities Act, if you need special assistance, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.

The City of Talent is an Equal Opportunity Provider

INSTRUCTIONS FOR COMPLETION OF APPLICATION FOR NOISE PERMIT

Fill in the details on the form and then either send it or take it to Community Development, 110 E. Main Street. The completed and signed application will act as your permit and will be forwarded to you once the permit has been approved.

It is your responsibility to notify residents in the immediate area that may be affected by the amplified music prior to your event. A form entitled "*Notification to Surrounding Residents of Intention to Hold Event with Amplified Music*" is attached for your convenience and may be used if you wish. Please feel free to duplicate the form for your use. **Although it is not necessary to use the form, it is important for surrounding residents to be aware of the event and to be in possession of a telephone number so they know where to contact you if necessary.**

By notifying surrounding residents in advance of your event, it is the intention of the City of Talent that you will have an opportunity to correct amplification levels if you are contacted directly by a resident. In the event the Police Department has to intervene, the permit will be voided at the event and amplification will not be allowed to continue.

IF YOU HAVE A CURRENT BUSINESS LICENSE FOR A COMMERCIAL FACILITY IN THE CITY OF TALENT, WHICH SETS FORTH THE NATURE OF YOUR BUSINESS TO INCLUDE THE PLAYING OF AMPLIFIED MUSIC, IT IS NOT NECESSARY FOR YOU TO APPLY FOR A NOISE PERMIT.

Please call if you have any questions.
Zac Moody, Community Development Director
Phone: (541) 535-7401
zmoody@cityoftalent.org

ORD# 523. Section 4. Unnecessary Noise. *No person shall create or assist in creating or permit the continuance of unreasonable noise in the city. The following enumeration of violations of this section is not exclusive but is illustrative of some unreasonable noises:*

5. *Using or operating an automatic or electric piano, phonograph, loudspeaker or sound amplifying device so loudly that it disturbs persons in its vicinity, or in a manner that makes it a public nuisance. However, on application to the council, permits may be granted to broadcast music, news, speeches or general entertainment.*

In compliance with the Americans with Disabilities Act, if you need special assistance, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.

The City of Talent is an Equal Opportunity Provider

ORDINANCE NO. 16-917-O

AN ORDINANCE PROHIBITING SMOKING AND TOBACCO USE IN CITY PARKS

WHEREAS, the Oregon Indoor Clean Air Act regulates smoking in public places and in some outdoor areas to protect the public from the effects of secondhand smoke at work and in public; and

WHEREAS, currently there is no restriction on smoking in city parks; and

WHEREAS, the public regularly gather within the parks to enjoy entertainment or to recreate; and

WHEREAS, secondhand smoke and vapors infringe on the safety and welfare of others in the city parks; and

WHEREAS, smoking products, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminishing the beauty of city parks and posing a health risk to children, pets and wildlife that may handle or ingest the debris; and

WHEREAS, the City Council desires to protect and promote public health, safety and welfare by providing smoke, vapor and tobacco free environments within City Parks and open spaces.

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

Section 1. Definitions.

“Electronic smoking device” (ESD) means any electronic product that delivers nicotine or any other substance to the person inhaling from the device, including but not limited to an electronic cigarette, e-cigar, e-pipe, vape pen or e-hookah. “Electronic smoking device” includes any component, part, or accessory of such a product, whether or not sold separately. “Electronic smoking device” does not include drugs, devices, or combination products approved for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

“Electronic smoking cartridges” or “electronic smoking device liquid” means the part or accessory to an electronic smoking device that is heated, atomized, vaporized or through some other process, using an ESD, becomes airborne to facilitate inhalation of the product or its byproducts.

“Park” means:

- (a) any land owned or leased by the City of Talent and designated as a park by the City Council;
- (b) any City owned or managed parks and recreational facilities; and

(c) all public parks, trails, open space, and special use areas, such as sport fields, tennis courts, basketball courts, picnic areas and swimming pools, including spectator areas and bleachers.”

“Smoke” and “smoking” mean inhaling, exhaling, burning, or carrying any lighted or heated smoking instrument in any manner. “Smoke” and “smoking” also include the use of an electronic smoking device which creates an aerosol, in any manner or in any form. A lighted smoking instrument includes an activated or “switched on” electronic smoking device.

“Smoking ~~Product Instrument~~” means any cigar, cigarette, pipe, electronic smoking device, ~~marijuana~~, weed, plant, or other tobacco or tobacco-like product or substance in any form.

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Section 2. Prohibition.

No person may ~~utilize, smoke, use~~ or consume any ~~smoking tobacco or tobacco~~ product, ~~but not limited to tobacco, or smoke or carry any lighted smoking instrument~~, in any park, unless in a properly designated smoking area.

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Section 3. Effective Date.

This ordinance shall take effect on the thirtieth day after its adoption.

Duly enacted by the City Council in open session on _____ by the following vote:

Ayes: Nays: Abstain: Absent:

Melissa Huhtala, City Recorder and Custodian of City records

City Council Agenda Report

| | | | |
|-----------------------|-----------------------|------------------------|-------------------------|
| Meeting Date: | April 20, 2016 | Primary Staff Contact: | Zac Moody |
| Department: | Community Development | E-Mail: | zmoody@cityoftalent.org |
| Staff Recommendation: | Adoption | Estimated Time: | 10 minutes |

ISSUE BEFORE THE COUNCIL

System Development Charges – Annual Rate Adjustment.

BACKGROUND

The City of Talent has used System Development Charges (SDCs) since 1996 to fund the creation and expansion of various system facilities. This report provides the history of SDC increases since 2011.

SDCs can either be reimbursement fees or improvement fees or both. Systems development charges for each type of capital improvement may be created through applications of the methodologies described in Section 5 of the SDC enabling Ordinance 725 (attached). The amounts of each system development charge were adopted initially by council under separate ordinance.

A change in the amount of a reimbursement fee or an improvement fee by resolution is allowed if is not a modification of the system development charge and when the change in amount is based on the periodic application of an adopted specific cost index. Inflationary cost impacts must be measured and calculated each year by the City Manager and approved by City Council. Such calculations are to be based upon Pacific Northwest Construction cost changes in the Engineering News Record Construction Cost Index (ENR Index). All calculations are to be carried out to the hundredths place. A final product ending in .49 or less shall be rounded down to the nearest dollar, .50 or more up to the next dollar.

The City's current system development charges were last updated in 2015 using the Pacific Northwest Construction cost index of 2.78%. In the attached SDC adjustment rate sheet, Staff has revised the March 2016 SDC fee, increasing it by 3.14%. The results are shown in the March 2016 column of the SDC adjustment rate sheet.

STAFF RECOMMENDATION

In an effort to be consistent with Ordinance 725 and to adopt fees appropriate to the current market conditions, Staff recommends that Resolution 16-938-R, adjusting fees from 2015 using the construction cost index be adopted.

RELATED CITY POLICIES

Ordinance 725 – Enabling SDC Ordinance

COUNCIL OPTIONS

- a. Approve the Resolution based on the information provided.
- b. Approve the Resolution with additions and/or deletions.
- c. Do not approve Resolution and review again at a later time.
- d. Continue deliberations on the Resolution if more information is needed.

POTENTIAL MOTIONS

“I move to adopt Resolution **16-938-R** (Attachment) as described herein”.

ATTACHMENT

Resolution **16-938-R**

City of Talent SDC Rate Adjustments for 2015-2016

Ordinance #725

RESOLUTION NO. 16-938-R

A RESOLUTION AUTHORIZING THE INCREASE OF THE SYSTEM DEVELOPMENT CHARGES BASED ON INFLATION ADJUSTMENTS FROM EACH ENR INDEX FROM MARCH 1, 2015 - MARCH 1, 2016 AND REPEALING RESOLUTION NO. 14-911-R.

WHEREAS, the City Council of the City of Talent has adopted System Development Charges (SDC) to be assessed on building construction to allow for impacts on City systems related to City Streets, Storm Water, Parks, and Water;

WHEREAS, City Ordinance 725, Section 4 B, authorizes the annual adjustment of System Development Charges (SDC) to recognize the effect that inflationary costs have on the actual costs of construction;

WHEREAS, City Ordinance 725, Section 4 B, allows for inflationary adjustments to SDC fees to be made by Council Resolution;

WHEREAS, said increases are to be based upon Pacific Northwest Construction cost changes as indicated in the Engineering News Record Construction Cost Index (ENR Index);

WHEREAS, the ENR Index for the period March 1, 2015 through March 1, 2016 is 3.14%;

NOW, THEREFORE, BE IT RESOLVED that the fees are established as stated in the attached Exhibit A. Said fees shall become effective on July 1, 2016 and any building applications submitted after that date shall be subject to these new fees.

Attachments include the following:

Exhibit A – City of Talent SDC Rate Adjustments for 2015-2016

Duly enacted by the City Council in open session on April 20, 2016 by the following vote:

AYES: 0 NAYES: 0 ABSTAIN: 0 ABSENT: 0

Melissa Huhtala, City Recorder and Custodian of City Records

**CITY OF TALENT
SDC RATE ADJUSTMENTS THROUGH MARCH 2016**

WATER

| Meter Size | Mar-11 | Mar-12 | Mar-13 | Mar-14 | Mar-15 | Mar-16 |
|-------------------|------------|------------|------------|------------|------------|------------|
| 3/4"x5/8" 766 gpd | \$ 2,716 | \$ 2,744 | \$ 2,844 | \$ 2,960 | \$ 3,042 | \$ 3,138 |
| 1" 1532 gpd | \$ 6,790 | \$ 6,860 | \$ 7,109 | \$ 7,401 | \$ 7,607 | \$ 7,846 |
| 1-1/2" 3830 gpd | \$ 13,579 | \$ 13,718 | \$ 14,218 | \$ 14,801 | \$ 15,212 | \$ 15,690 |
| 2" 6127 gpd | \$ 21,726 | \$ 21,949 | \$ 22,748 | \$ 23,681 | \$ 24,339 | \$ 25,104 |
| 3" 12254 gpd | \$ 43,451 | \$ 43,899 | \$ 45,497 | \$ 47,362 | \$ 48,679 | \$ 50,207 |
| 4" 19148 gpd | \$ 67,893 | \$ 68,592 | \$ 71,089 | \$ 74,003 | \$ 76,060 | \$ 78,449 |
| 6" 38295 gpd | \$ 135,785 | \$ 137,184 | \$ 142,177 | \$ 148,006 | \$ 152,121 | \$ 156,897 |
| 8" 61272 gpd | \$ 217,256 | \$ 219,494 | \$ 227,483 | \$ 236,810 | \$ 243,393 | \$ 251,036 |
| 1" 88079 gpd | \$ 312,306 | \$ 315,523 | \$ 327,008 | \$ 340,415 | \$ 349,879 | \$ 360,865 |

PARKS

| | Mar-11 | Mar-12 | Mar-13 | Mar-14 | Mar-15 | Mar-16 |
|------------------------|----------|----------|----------|----------|----------|----------|
| Single Family | \$ 1,434 | \$ 1,449 | \$ 1,502 | \$ 1,564 | \$ 1,607 | \$ 1,658 |
| Mutli-Family | \$ 1,042 | \$ 1,052 | \$ 1,091 | \$ 1,135 | \$ 1,167 | \$ 1,203 |
| Mobile Home Park Units | \$ 984 | \$ 995 | \$ 1,031 | \$ 1,073 | \$ 1,103 | \$ 1,137 |

TRANSPORTATION

| | Mar-11 | Mar-12 | Mar-13 | Mar-14 | Mar-15 | Mar-16 |
|------------------------------|----------|----------|----------|----------|----------|----------|
| Per Trip Unit/Peak Hour Trip | \$ 2,450 | \$ 2,475 | \$ 2,565 | \$ 2,670 | \$ 2,744 | \$ 2,830 |
| "Average" Single Family | \$ 2,474 | \$ 2,499 | \$ 2,590 | \$ 2,697 | \$ 2,772 | \$ 2,859 |

STORMWATER

| | Mar-11 | Mar-12 | Mar-13 | Mar-14 | Mar-15 | Mar-16 |
|--|-----------|-----------|-----------|-----------|----------|----------|
| Single Family - Per EDU | \$ 1,244 | \$ 1,257 | \$ 1,303 | \$ 1,356 | \$ 1,394 | \$ 1,437 |
| All other (times sqaure feet of impervious area) | \$ 0.4145 | \$ 0.4188 | \$ 0.4340 | \$ 0.4518 | 0.4644 | 0.4789 |

Construction Cost Index Percentage Change (20 City Average)
from March 2015- March 2016 = 3.14%

ORDINANCE #725

**AN ORDINANCE TO ADOPT SYSTEMS DEVELOPMENT CHARGES –
EFFECTIVE DATE AND RECORDERS DUTIES
(Repealing Ord. #603 and #624 & #792)**

The City of Talent ordains as follows:

In addition to amending the sections of ordinance 02-725-O included below wherever there is a reference to City Administrator the language has been changed to City Manager. Changes are reflected with the use of brackets for deletions and underline bold face for additions.

[This section Added by Ord. #792]

Section 1. Purpose:

The purpose of the system development charge (SDC) is to impose an equitable share of the cost of capital improvements (for water, wastewater, storm drainage, streets, flood control, parks and recreation, and transportation, or any other capital improvement authorized by state law) upon those developments and redevelopments that create the need for or increase the demands on capital improvements.

Section 2. Scope:

The system development charge imposed by this ordinance is separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development. The nature of a SDC is a charge for service rendered or facilities made available, or a charge for future services to be rendered by facilities to be made available in the future.

Section 3. Definitions:

For the purposes of this ordinance, the following mean:

A. Capital Improvements – facilities or assets used for:

- 1) Water supply, treatment, storage and distribution, or any combination;
- 2) Waste water collection, transmission, treatment and disposal or any combination;
- 3) Drainage or flood control/floodplain management;
- 4) Transportation including but not limited to streets, sidewalks, bike lanes and paths, street lights, traffic signs and signals, street trees, landscaping, public transportation, vehicle parking and bridges; or

- 5) Parks and recreation, including but not limited to mini-neighborhood parks, neighborhood parks, community parks, public open space and trail systems, building, conservation easements, courts, fields, and other like facilities.

2-4.3

Talent Ordinances
Ordinance #725

2-4.3

Section 3. Definitions (cont):

B. Development:

As used in Section 4 – 17 means conducting a building or mining operation, making a physical change in the use or appearance of a structure or land, dividing land into two (2) or more parcels (including partitions and subdivisions), and creating or terminating a right of access. Development shall also include redevelopment of property.

C. Improvement Fee:

A fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to Section 4 of this ordinance. Said fee shall be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future users. This term shall have the same meaning as the term “improvement fee” as used in ORS 223.297 through 223.314.

D. Land Area:

The area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plain with the exception of a portion of the parcel within a recorded right-of-way or easement subject to a servitude for a public street or for a public scenic or preservation purpose.

E. Owner:

The owner, or owners, of record title or the purchaser or purchasers under a recorded land sales agreement, and other persons having an interest of record in the described real property.

F. Parcel of Land:

A lot, parcel, block or other tract of land that in accordance with city regulations is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open space required under the zoning, subdivision or other development ordinances.

G. Permittee:

The person to whom a building permit, development permit, a permit or plan approval to connect to the sewer or water system, or right-of-way access permit is issued.

Section 3. Definitions (cont):

H. Qualified Public Improvement - a capital improvement that is:

- 1) Required as a condition of development approval;
- 2) Identified in the plan adopted pursuant to Section 7 of this ordinance; and either
 - a) Not located on or contiguous to a parcel of land that is the subject of the development approval; or
 - b) Located in whole or in part on or contiguous to property that is subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.
- 3) For purposes of this definition, contiguous means in a public way which abuts the parcel.

I. Reimbursement Fee:

A fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to Section 4 of this ordinance.

J. System Development Charge:

A reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time specified in Section 4. It shall not include connection or hook-up fees for sewer, storm, or water lines. Such fees are designed by the city only to reimburse the city for actual or average costs for such connections. A System Development Charge does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision.

Section 4. System Development Charge Established:

- A. Unless otherwise exempted by the provisions of this ordinance or other local or state law, a system development charge is hereby imposed upon all development within the city, upon the act of making a connection to the city water or sewer system within the city, and upon all development outside the boundary of the city that connects to or otherwise used the sewer facilities, storm drainage system, or water system, transportation system or park and recreation systems of the city.
- B. Systems development charges for each type of capital improvement may be created through applications of the methodologies described in Section 5 of this ordinance. The amounts of each system development charge shall be adopted initially by council under separate ordinance. A change in the amount of a reimbursement fee or an improvement fee is not a modification of the system development charge if the change in amount is based on the periodic application of an adopted specific cost index or a modification to any of the factors related to the rate that are incorporated in the established methodology. Changes in the amounts shall also be adopted by separate ordinance, excepting those changes resulting solely from inflationary cost impacts. Inflationary cost impacts shall be measured and calculated each March 1st by the city manager and approved by city council. Such calculations will be based upon Pacific Northwest Construction cost changes in the Engineering News Record Construction Cost Index (ENR Index). All calculations shall be carried out to the hundredths (100ths) place. A final product ending in .49 or less shall be rounded down to the nearest dollar, .50 or more up to the next dollar.

Section 5. Methodology

- A. The methodology used to establish or modify a reimbursement fee shall consider the cost of existing facilities, including without limitation design, financing and construction costs, prior contributions by existing users, gifts or grants from federal or state government or private persons, the value of unused capacity available to future system users, rate-making principals employed to finance publicly owned capital improvements, and other relevant factors identified by the council. The methodology shall promote the objective that future system user shall contribute no more than an equitable share of the costs of existing facilities.
- B. The methodology used to establish or modify the improvement fee shall consider the estimated cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related. The methodology shall be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future system users.
- C. The methodology used to establish or modify the improvement fee or the reimbursement fee, or both, shall be adopted by separate ordinance.

Section 6. Expenditure

- A. Reimbursement fees shall be applied only to capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.
- B. Improvement fees shall be spent only on capacity increasing capital improvements, associated with the system for which the fee is assessed, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities.
 - 1) The portion of the capital improvement funded by improvement fees must be related to demands created by current or projected development. A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the City pursuant to Section 7 of this ordinance.
 - 2) Notwithstanding subsections (A) and (B) of this section, system development charges revenues may be expended on the direct costs of complying with the provisions of this ordinance, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures.
 - 3) System development charges shall not be expended for costs associated

with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

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Section 7. Compliance with State Law

- A. The revenues received from the systems development charges shall be budgeted and expended as provided by state law. Such revenues and expenditures shall be accounted for as required by state law. Their reporting shall be included in the City's Comprehensive Annual Financial Report required by ORS Chapter 294.
- B. The capital plan for capital improvements required by state law as the basis for expending the public improvement charge component of system development charge revenues shall be the adopted facilities plans, the Capital Improvement Plan (C.I.P.) of any other governmental entity with which the City has cooperative agreement for the financing of commonly used public improvements by the collection of system charges, provided such plans conform with state law and are consistent with the City's C.I.P. and the City's comprehensive plan. The council or governmental agencies may modify such plan and list at any time.

Section 8. Collection of Charges

- A. The System Development Charge is payable upon, and as a condition of, issuance of:
 - 1. A building permit;
 - 2. A development permit and/or a development permit for development not requiring the issuance of a building permit;
 - 3. A permit or approval to connect to the water or storm drainage system, or the sewer system;
 - 4. A right-of-way access permit;
- B. If no building, development, or connection permit is required, the system development charge is payable at the time the usage of the capital improvement is increased based on changes in the use of the property unrelated to seasonal or ordinary fluctuations in usage.
- C. If development is commenced or connection is made to the water system, sanitary sewer system, or storm sewer system without an appropriate permit, the system development charge is immediately payable upon the earliest date that a permit was required, and it will be unlawful for anyone to continue with the construction or use constituting a development until the charge has been paid or payment secured to the satisfaction of the City Manager.
- D. Any and all persons causing, constructing, conducting, occupying, or using the development or making application for the needed permit, or otherwise responsible for the development, are jointly and severally obligated to pay the charge, and the City Manager may collect the said charge from any of them. The City Manager or her/his designee shall not issue any permit or allow connection described in Section 4 until the charge has been paid in full or until an adequate secured arrangement for its payment has been made, within the limits prescribed by ordinance of the city council.

Section 8. Collection of Charges (cont).**E. Installment Payment:**

(1) When a Systems Development Charge is due and collectable, the owner of the parcel of land subject to the development charge may apply for payment in twenty (20) semi-annual installments, to include interest on the unpaid balance, in accordance with ORS 223.208 and city ordinances. The application shall provide that the owner agrees to pay an additional specified amount of five percent (5%) for administration costs. The application shall provide that the owner agrees to pay interest at the rate of eight percent (8%) per annum on the unpaid balance until the bonds are sold, if ever that be, and thereafter the rate shall be the net effective interest rate on the bond issue rounded up to the next one-tenth (1/10th) of one percent (1%). The application shall also provide that the owner agrees to pay a billing charge to be added to each installment. The billing charge shall be a pro-rated share of the actual cost of billing and keeping records of installment payment accounts. The amount of the billing charge shall be determined from time to time by the City Manager.

(2) The City Manager shall provide application forms for installment payments which shall include a waiver of all rights to contest the validity of the lien except for the correction of computational errors. The applicant shall pay an administration fee in cash at the time of application in the amount of three percent (3%) of the balance due or \$25.00, whichever is greater.

(3) An applicant for installment payments shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the interest of the applicant is adequate to secure payment of the lien.

(4) Upon acceptance of the application, the lien shall be entered in the lien docket. From that time the City shall have a first lien upon the described parcel for the amount of the Systems Development Charge, together with interest on the unpaid balance at the rate established by the council. The lien shall be enforceable in the manner provided in ORS Chapter 223.

- F. Upon written request to the Planning Department, the City Manager is authorized to cancel assessments of SDCs, without further council action, where the new development approved by the building permit is not constructed and the building permit is cancelled.
- G. In the event that a property that has been subject to a cancellation of assessment of SDCs had entered into an installment payment as outlined in Section 8 E (1) above, a new installment payment contract shall be subject to the code provisions applicable to SDCs and installment payment contracts on file on the date the new contract is received by the city.
- H. Bancrofting of Systems Development Charges shall be permitted only as specified by ORS 223.208.
- I. Delinquent assessments for delinquent Systems Development Charges shall be interest at the rate of eighteen percent (18%) per annum while delinquent.

Section 9. Exemptions

- A. Structures and uses established and legally existing on or before January 1, 1996 are exempt from a system development charge, except sewer charges, to the extent of the structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this subsection shall pay the sewer charges pursuant to the terms of Ordinance 91-7 of the Bear Creek Valley Sanitary Authority (BCVSA) upon the receipt of a permit to connect to the sewer system.
- B. Additions to dwellings that do not constitute the addition of a dwelling unit, as defined by the Oregon State Structural Code and/or the One and Two Family Dwelling Specialty Code, are exempt from all portions of the system development charge.
- C. An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of the public improvement facility are exempt from all portions of the system development charge.
- D. Any existing building development or installation of watermeters that took place prior to the City's adoption of system development charges on November 15, 1995 can not be used in the calculation of credits when uses on the property change or additional development takes place. However, when calculating the impervious surface for Storm Water SDCs or the trip generation for Transportation SDCs, consideration will be given to existing uses on the property. The method of calculation is contained in the respective methodology ordinances.

[Section 9-D. Added by Ord. #792]

Section 10. Credits

- A. When a development occurs that would be subject to a system development charge, and SDC's have been paid for pre-existing uses located on the property, the proposed development may be eligible for a credit. The system development charge for the existing use, if applicable, shall be calculated and if it is less than the system development charge for the new use that will result from the development, the difference between the system development charge for the existing use and the system development charge for the proposed use shall be the system development charge. If the change in the use results in the system development charge for the proposed use being less than the system development charge for the existing use, no system development charge shall be required. However, no refund or credit shall be given unless provided for by another subsection of this section. [Section 10-A. Amended by Ord. # 792]
- B. A credit shall be given to the permittee for the cost of a qualified public improvement upon acceptance by the city of the public improvement. The credit shall not exceed the improvement fee even if the cost of the capital improvement exceeds the applicable improvement fee and shall only be for the improvement fee charges for the type of improvement being constructed.

C. If a qualified public improvement is located in whole or in part on or contiguous to the property that is the subject of the development approval and is required to be built larger or with greater capacity than is necessary for the particular development project, a credit shall be given for the cost of the portion of the improvement that exceeds the city's minimum standard facility size or capacity needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under this subsection. The request for credit shall be filed in writing prior to the commencement of any such improvement.

[Section 10-C. Amended by Ord. # 792]

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Section 10. Credits (cont).

D. When the construction of a qualified public improvement located in whole or in part or contiguous to the property that is the subject of development approval gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project, the credit in excess of the improvement fee for the original development project may be applied against improvement fees that accrue in subsequent phases of the original development project.

1) In the event that no subsequent phases are anticipated the city shall seek alternative methods of financing to pay for the additional costs. These may include one or more of the following:

grants, bonds, advanced financing agreements, or capital improvement funding (if applicable).

2) Credits cannot be transferred to another project that the developer may be planning, or have under construction within the city limits.

E. Credits can only be applied to projects that are included in the city's capital improvement plan, which shall be updated from time to time.

F. Credits can only be applied on collectors and arterials as related to street SDCs.

G. When credits are applied no more than 80% of the assessed SDCs can be used as a credit for a particular project.

H. If land is required to be deeded to the city for right-of-way for collector or arterial streets as a condition of development approval, the development shall be credited for the exaction. Land dedicated for any other classification of streets will be deemed to be for the developer's benefit and will not be compensated.

1) The value of land dedicated for a collector or arterial street will be determined by the real market value last recorded on the tax assessor's records for the parcel being developed.

- 2) The developer has the option to pay for an appraisal by a licensed fee appraiser selected by the city provided the developer agrees in writing to pay the appraisal and deposits the estimated cost in advance. In the event an appraisal is secured, that value shall be used for the purpose of determining the real market value.
- 3) The right-of-way credit shall be determined by the difference between the required right-of-way width for the arterial or collector street and the maximum right-of-way width for a local street, times the length of the dedication, times the real market value in dollars per square foot.

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Section 10. Credits (cont).

- I. All credit requests must be in writing and filed with the City Manager prior to any improvements being made. [Section 10-I. Amended by Ord. #792]
- J. Improvement acceptance shall be in accordance with the usual and customary practices, procedures and standards of the City of Talent. The amount of any credit shall be determined by the City Manager and based upon the subject improvement construction contract documents, or other appropriate information, provided by the applicant for the credit. Upon a finding by the City Manager that the contract amounts exceed prevailing market rate for a similar project, the credit shall be based upon market rates. The City Manager shall provide the applicant with a credit on a form provided by the City. The credit shall state the actual dollar amount that may be applied against any SDC imposed against the subject property.
- K. Any credits as provided in the ordinance are assignable; however, they shall apply only to that property subject to the original condition for land use approval upon which the credit is based or any partitioned or subdivided parcel or lots of such property to which the credit has been apportioned. Credits shall only apply against SDC's, are limited to the amount of the fee attributable to the development of the specific lot or parcel for which the credit is sought, and shall not be a basis for any refund.
- L. Any application for credit must be submitted before the issuance of a building permit or, if deferral was permitted, issuance of the final occupancy permit. The applicant is responsible for presentation of any credit and no credit shall be considered after issuance of a building permit or, if deferral was granted, issuance of the final occupancy permit.

- M. Credits shall not be allowed more than ten (10) years after the acceptance of the applicable improvements by the appropriate jurisdiction. No extension of this deadline shall be granted or authorized.

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Section 11. Notice

- A. The City shall maintain a list of persons who have made a written request for notification prior to adoption or modification of a methodology for any system development charge. Written notice shall be mailed to persons on the list at least ninety (90) days prior to the first hearing to establish or modify a system development charge. The methodology supporting the system development charge shall be available at least sixty (60) days prior to the first hearing to adopt or amend a system development charge. The failure of a person on the list to receive a notice that was mailed does not invalidate the action of the City.
- B. The City may periodically delete names from the list, but at least thirty (30) days prior to removing a name from the list, the City must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

Section 12. Segregation and Use of Revenue

- A. All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds of the city. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no purpose other than set forth in Section 6 of this ordinance.
- B. The City Manager shall provide the city council with an annual accounting, by January 1 of each year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account in the previous year. A list of the amount spent on each project funded in whole or in part with system development charge revenues, shall be included in the annual accounting.

Section 13. Refunds

- A. Refunds may be given by the Administrator upon finding that there was a clerical error in the calculation of the SDC.
- B. Refunds shall not be allowed for failure to timely claim credit or for failure to timely seek an alternative SDC rate calculation at the time of submission of an application for a building permit.
- C. The city shall refund to the applicant any SDC revenues not expended within ten (10) years of receipt.

Section 14. Appeal Procedure

Appeal Procedure:

- 1) A person challenging the propriety of an expenditure of system development charge revenues may appeal the decision of the expenditure to the city council by filing a written request with the City Manager describing with particularity the decision of the City Manager and the expenditure from which the person appeals. An appeal of an expenditure must be filed within two (2) years of the date of the alleged improper expenditure.
- 2) The council shall order an investigation and direct that within sixty (60) days of receipt of the petition that a written report be filed by the manager recommending appropriate action. Within thirty (30) days of receipt of said report, the council shall conduct a hearing to determine whether the expenditure was proper. At least ten (10) working days advance notice of the hearing, including a copy of the report, shall be mailed to the petitioner. Petitioner shall have a reasonable opportunity to present their position at the hearing.
- 3) After providing notice to the appellant, the council shall determine whether the City Manager's decision or the expenditure is in accordance with this ordinance and the provisions of ORS 223.297 to 223.214 and may affirm, modify, or overrule the decisions. If the council determines that there has been an improper expenditure of system development charge revenues, the council shall direct that a sum equal to the misspent amount shall be deposited within one (1) year to the credit of the account or fund from which it was spent. The decision of the council shall be reviewed only as provided in ORS 34.010 to 34.100, and not otherwise.

Section 14 Appeal Procedure (cont).**B. Appeal to methodology:**

A legal action challenging the methodology adopted by the council pursuant to Section 5 shall be filed no later than sixty (60) days after adoption. A person shall contest the methodology used for calculating a system development charge only as provided in ORS 34.010 to ORS 34.100. [Section 14-B. Amended by Ord. #792]

C. Appeal to Calculation:

- 1) A person who wishes to challenge the calculation of a system development charge must make a written challenge to the calculation of the system development charge and file the challenge with the City Manager within ten (10) days of receiving the calculation. The written challenge must describe with particularity the calculation, which the person appeals.
- 2) The appeal shall state:
 - a) The name and address of the appellant;
 - b) The nature of the determination being appealed;
 - c) The reason the determination is incorrect; and
 - d) What the correct determination should be
- 3) An appellant who fails to file such a statement within the time permitted waives his/her objections, and his/her appeal shall be dismissed.
- 4) After providing timely notice to the challenger, the City Manager shall determine whether the calculation is in accordance with the ordinance containing the methodology used to establish or modify the system development charge adopted by the city council.
- 5) If agreement cannot be reached through this process the challenger may then appeal to city council. Unless the challenger and the city agree to a longer period, a written challenge to the calculation of the system development charge shall be heard by the city council at the next regularly scheduled council meeting ten (10) days after

receipt of the written challenge. At least five (5) days prior to the hearing, the city shall mail notice of the time and location thereof to the person who made the written challenge.

- D. Appeals of any other decision required or permitted to be made by the City Manager under this ordinance must be filed with ten (10) days of the date of decision.
- E. The petitioner shall have the burden of proof. Evidence and argument shall be limited to grounds specified in the petition. The council shall issue a written decision stating the basis for its conclusion and directing appropriate action be taken.

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Section 15. Prohibited Connection

No person may connect to the water or sewer systems of the City unless the appropriate system development charge has been paid or payment has been secured as provided in this ordinance.

Section 16. Penalty

Violation of Section 16 of this ordinance is punishable by a fine not to exceed \$50.00 per day plus the amount of the system development charge.

Section 17. Construction

For the purposes of administration and enforcement of this ordinance, unless otherwise stated in this ordinance, the following rules of construction shall apply:

- A. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.
- B. The word “shall” is always mandatory and not discretionary - the word “may” is permissive.
- C. Words used in the present tense shall include the future; and words used in the singular number shall include the plural and plural the singular, unless the context clearly indicates the contrary.
- D. The phrase “used for” includes “arranged for,” “designed for,”

“maintained for,” or “occupied for.”

- E. Where a regulation involves two or more connected items, conditions, provisions or events:
 - 1) “And” indicates that all the connected terms, conditions, provisions or events shall apply;
 - 2) “Or” indicates that the connected items, conditions, provisions or events may apply singly or in combination.
- F. The word “included” shall not limit a term to the specific example, but is intended to extend its meaning to all other instances of like kind or character.

Section 18. Severability

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein. It is hereby declared to be the council's intent that this ordinance would have been adopted had such an unconstitutional provision not been included herein.

Section 19. Classification The city council determines that any fee, rates or charges imposed by this ordinance are not a tax subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

Section 20. Saving Clause Ordinance #91-7, of the Bear Creek Valley Sanitary Authority shall remain in force for the wastewater and storm drainage facilities to which it applies within the City of Talent after the effective date of this ordinance.

Section 21. Effective Date Under the provisions of Chapter VIII, Section 35 of the Talent City Charter, the provisions of this ordinance shall take effect on January 1, 2006.

Section 22. Recordors Duties The city recorder is hereby directed, upon authentication of its passage and adoption, to number the next adopted ordinance of the City of Talent.

Duly enacted by the city council in open session on October 5, 2005.