



**TALENT CITY COUNCIL REGULAR
COUNCIL MEETING AGENDA**

**TOWN HALL
November 16, 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 Regular Session at 6:45 PM Wednesday, November 16th 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. Community Announcements

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

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 November 2, 2016.....Page 3-16**
- 7.2 Acknowledge Receipt of the Together for Talent Minutes for September 6, and October 4, 2016.....Page 17-24**
- 7.3 Acknowledge Receipt of the Draft Planning Commission Minutes for October 27, 2016.....Page 25-39**
- 7.4 Acknowledge Receipt of Payables.....Page 40-43**
- 7.5 Appoint Joi Riley to the Planning Commission.....Page 44-45**

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 Ordinance 16-930-O, an Ordinance codifying the Together for Talent Committee.....Page 46-48
- 8.2 Sweet Beet Depot Liquor LicensePage 49-53
- 8.3 Ordinance 16-931-O, an Ordinance of the City of Talent, Oregon, governing the use and occupation of the public right of and establishing an application process, fees, and terms for such use.....Page 54-77
- 8.4 Parks Recommendations(pending receiving minutes)

9. Information Items

- 9.1 Ordinance 16-926-O, an Ordinance defining general penalties and procedures for adopting fines for violations of the Talent Municipal Code.....Page 78-79
- 9.2 Ordinance 16-927-O, an Ordinance defining nuisance complaint and investigation process establishing notice of violation procedures. Repealing Ordinances 429, 295, and 66.....Page 80-92
- 9.3 Ordinance 16-928-O, an Ordinance defining a process the abatement of violations of the Talent Municipal Code.....Page 93-97
- 9.4 Vegetation Maintenance Areas.....Page 98
- 9.5 A citizen thank you for work done on Rapp Road.....Page 99-100
- 9.6 Thank you to Police Officer Lencin Carnighan.....Page 101
- 9.7 Clean Energy Plan.....Page 102-116

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
- Planning Commission – Councilor Wise & Mayor Stricker (alternate)
- Public Art Advisory Committee – Councilor McManus
- Parks Commission – Mayor Stricker
- Traffic Safety & Transportation Commission – Councilor Harrison
- Rogue Valley Council of Governments – Councilor McManus & Mayor Stricker (alternate)
- Talent Historical Society –Councilor Abshire
- Harvest Festival Committee – Councilor Collins
- Economic Development - Councilor Pederson
- Chamber – Councilor Pederson

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 1-800-735-3896.2



**TALENT CITY COUNCIL REGULAR
COUNCIL MEETING DRAFT MIINUTES
TOWN HALL
November 2, 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 Regular Session at 6:45 PM Wednesday, November 2nd 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.

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REGULAR COUNCIL MEETING- 6:45 PM

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1. Call to Order/Roll Call

Members Present

- Mayor Stricker**
- Councilor McManus**
- Councilor Harrison**
- Councilor Pederson**
- Councilor Collins**

Members Absent

- Councilor Abshire**
- Councilor Wise**

2. Pledge of Allegiance

3. Community Announcements

Councilor McManus read his resignation letter (*see attached*).

Mayor Stricker spoke regarding Councilor McManus’s service to the City.

Councilor Pederson spoke regarding working with Councilor McManus and thanked him for his service.

Councilor Harrison wished Councilor McManus the best.

Councilor Pederson moved to accept Councilor McManus resignation effective November 10th. Councilor Collins seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

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.

5. Citizens Heard on Non-Agenda Items
Limited to 5 minutes or less per Mayoral discretion

Charles Roome, 25 Allen Lane, Talent – Mr. Roome read a statement regarding emergency preparedness (*see attached*).

Councilor Pederson moved to suspend the council rules to discuss this item. Councilor Harrison seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

Mayor Stricker suggested for the City Manager to work with CERT representatives. Mr. Corrigan suggested for Chief Whipple to also represent Staff. **Council gave consensus for Chief Whipple and Mr. Corrigan to work with CERT.**

Councilor McManus suggested that representative from ODOT also be involved. Council agreed.

Josephine Warden- Ms. Warden spoke that on September 7th she addressed Council regarding the monarch butterfly and asked to pass an Ordinance to protect Milkweed. She asked for an update on the Ordinance.

Mr. Corrigan spoke to the many variables that are involved in this Ordinance. It was decided that there will be a timeline on the Ordinance by the end of the year.

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 October 19, 2016**
- 7.2 Acknowledge Receipt of the Parks Commission Minutes for September 14, 2016**

Councilor Collins moved to prove the consent agenda. Councilor Harrison 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 Second Reading of Ordinance 16-929-O, an Ordinance amending the Planning Commission membership structure

Mayor Stricker spoke that Alternate Planning Commissioner, Joi Riley directed Staff to write an Ordinance and bring to Council. She reminded Council that the process should go to Council first as recommendation to direct Staff not to go to Staff directly.

Community Development Director, Zac Moody gave a Staff report.

Councilor Pederson moved to approve the second reading of Ordinance 16-929-O, an Ordinance amending the Planning Commission membership structure. Councilor McManus seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8.2 Together for Talent Ordinance

Mr. Corrigan gave a Staff report.

Dorian Hastings, 100 N. Pacific HWY, Talent – Spoke in support of the Ordinance (*see attached*).

Council went over the attorney's notes and Together for Talents suggestions.

The suggested changes were as follows:

Section 1:

As used in this ordinance, "Sustainability" means the biologic sense of scientific methods that remain diverse and productive indefinitely, but also in the broader sense of preserving and **building community maintaining community resources**.

Review and work with the City Emergency Manager on the City Emergency Operations Plan, with special regard to coordinating volunteers from trained and informed groups such as Map Your Neighborhood and CERT (Community Emergency Response Team) with ~~emergency~~ personnel from Talent **City Police Department**, Jackson County Sheriff's Office and Jackson County ~~County~~ Fire District 5.

Section 2:

The Mayor shall appoint a Council Liaison member of the Committee, but shall have no vote and shall not count toward a quorum.

Section 3:

A committee member's term of office shall expire on the last business day in June 30th of the second year.

Section 5:

The Chair shall preside at all meetings, set the agenda, **and appoint liaisons to community organizations** ~~recommend the creation of subcommittees, and approve members to each subcommittee~~, as are authorized.

Section 7:

A simple majority of the total number of voting members of the Committee shall constitute a quorum **but no less than four**.

Section 12:

~~Section 12 [By Laws]. See attached [to come once the ordinance is settled on].~~

It was decided to bring back the Ordinance with the corrections to the next Council Meeting.

Ms. Hastings also announced that Together for Talent will be bringing the Clean Energy Plan to the next Council Meeting.

9. Information Items

9.1 None

10. City Manager & Other Department Reports

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

- Staff filed a Notice of Intent for Transportation Enhancement Discretionary Program Funds.
- The Leaf drop-off at Talent City Hall on November 13th from 9 AM- 4 PM.
- The ADA Ramp has been installed at Town Hall.
- There was an Open House at City Hall on October 26th from 4-6 PM.
- The Police Department will be doing a neighborhood canvas tomorrow beginning in Town Hall at 4:30 PM.
- Staff all participated in dressing up for Halloween and had candy for citizens.

- Mr. Corrigan gave a brief PERS update (*see attached*).
- Franchise agreements will be coming to Council soon. Mr. Corrigan explained he has a draft Ordinance that will be the Mother Ordinance for the Franchise agreements. Mayor Stricker asked for a report on this at the next Council Agenda.

11. Other Business

11.1

Councilor Harrison spoke that the City Hall Open House went well and commended Staff. He also thanked Mayor Stricker for her involvement in the Poker Tournament.

Mayor Stricker reminded liaisons to have all Committees and Commissions get their goals to Council.

Mayor Stricker spoke regarding directing Staff to develop criteria for vacating alleys at a previous meeting and questioned the status. Mr. Moody explained that this will be brought up at the Planning Commission because this is in the Land Use Ordinance. It was decided that Staff would come up with criteria and priorities of which alleys need to be vacated and bring back to Council.

Mayor Stricker questioned the status of the draft policy for misconduct. Mr. Corrigan explained Staff is working on this. Mayor Stricker requested language on how to deal with unwanted behavior.

Mayor Stricker requested a list of CIP priorities by end of the calendar year.

Mayor Stricker questioned the City has an annual RFP for the City Attorney or a yearly review. Mr. Corrigan answered no. Mayor Stricker requested to see the attorney's annual cost at the end of every fiscal year.

Councilor Collins questioned if Public Works will be attending IPM training. Mr. Corrigan spoke that they are looking into a training coming up with the City of Ashland.

Chief Whipple spoke that Diversity Training for the Police Department is set-up to happen in the next couple of weeks. He spoke that he will report back to the Council on the training.

12. Mayor and Councilor - Committee Reports and Councilor Comments

Rogue Valley Area Commission on Transportation – Mayor Stricker (alternate)
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 Talent Historical Society – Councilor Abshire
 Harvest Festival Committee – Councilor McManus
 Economic Development - Councilor Pederson & Council McManus
 Chamber – Councilor Pederson

Councilor Harrison announced he attended his first Traffic Safety & Transportation Commission Meeting.

Councilor Pederson announced he was unable to attend the Chamber Meeting. He also announced that the Economic Development Committee Meeting was postponed. He spoke that he attended the Comp Plan Analysis Meeting. Acreage for Housing was discussed. He spoke that the implementation timelines were also discussed. He explained affordable housing. The formation of the Economic Development Committee was discussed. It was decided that this will be worked on in 2017.

Mayor Stricker announced that she attended a Talent Maker City Meeting last night.

- The grant request to DEQ was submitted for the Fix it Fair. She spoke that if they receive the grant the Fair will be at Brammo.
- They are in need for some storage space. Mr. Corrigan would look into possible places.
- They are working on getting their 501c3.

- Classes are beginning at Kindred Spirits. The first class will be on knitting.

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

- Clean energy plan was vetted and will be coming before Council on November 16th.
- Weed team representative Charles Roome will be at the next Parks and Recreation meeting with a proposed plan for weed maintenance.
- Zero waste teams next meeting is November 17th at 2:30 pm.
- Bee City has vetted the integrated pest management draft and has presented to Together for Talent with a goal to bring to Council by December 21st, 2016.
- Bee City's next meeting is November 8th at 4pm
- Rogue Climate Talent meeting is on November 10th at 6pm in the Talent Community Center.

Councilor McManus had no announcements.

13. Adjournment

The Council Meeting was adjourned at 8:55 PM

Respectfully submitted by:

City Recorder, Melissa Huhtala

Attest:

City Manager, Tom Corrigan

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11/2/16

Dear Talent,

We have been together for a long time ... 11 years. I got old & you just grew up. You have a new city hall, community center, splash pad, & a dog park! We've seen mayors, managers, & councilors come & go. Each time bringing new efforts to help you grow with new businesses & new residents. We've seen Highway 99 redeveloped & put a roundabout on Valley View. We've even saw the first public art piece go up at the skate park!

I will miss you more than you will miss me. I believe that I had the greatest opportunity to serve with others who want to support you. From the Mayor, city council & all the commissions/committees, they all will continue to provide their best efforts in serving you. From city staff & all the volunteers, ~~you~~ their commitment & actions make you beautiful.

So I would like to thank them really quick. Thank you Mayor for being at the head of our efforts & engaging with the community beyond your seat. Thank you council for questioning when needed & putting up the time when we need to make decisions. Thank you staff for working not just at the direction of council but being the best caretakers of our community - even when council or public can be challenging!

I am happy to have been involved with Talent & supporting you on a local, regional, & state level. I am proud to have represented you when we are one of the smallest cities with regional economic discussions. I was proud to be recognized as a leader for other communities with the PROCA. It has always been my interest to put Talent with state policy committees, regional affordable housing issues, & even showcasing our amazing artist community. & You have so much to offer & I'm happy to be a part of it.

Unfortunately, I must leave you, I wish we could stay together but I will need to resign as of Nov 10th. It is abrupt but home is moving. However, there will always be a bit of Talent in me. And this is the first time I can honestly say this ... It's not you, it's me that we're saying goodbye.

Farewell, E.J. McManus 05-11

Proposal for: **Emergency Preparedness for Talent**

From Charles Roome and Kittie Harrison

The City of Talent Emergency Operations Plan was created in 2012 by an outside organization and complies with both state and federal requirements for such a plan. Though comprehensive, the plan lack critical details, particularly those that address ways that the few professional emergency and medical responders in our area can be aided by organized and well-prepared local resident volunteers.

In the meantime, several groups of concerned volunteers have met and put into place “Map Your Neighborhood” organizations on a street-by-street basis around the city. These groups include

12 areas of Talent where neighbors have met together to improve readiness and mutual assistance until professional responders are available. This effort has been led by Kittie Harrison, a resident of Talent and volunteer for Ashland CERT (Federal Emergency Management Agency's Community Emergency Response Team). Kittie has met with residents across the City of Talent and helped them to organize their neighborhoods for mutual benefit in the event of emergencies such as fire, flood, earthquake, regional power outage, and extreme temperature fluctuations (heat or freezing), which could occur concurrently during other emergencies.

Together for Talent believes it essential that an initial meeting take place, in which the Mayor, Talent Police Chief, District 5 Fire

Chief, Jackson County Sheriff, Talent City Manager and Public Works, and members of the Ashland CERT living in Talent as well as representatives of Map Your Neighborhood can start communicating about Talent's emergency preparedness. For example, local police, fire, and sheriff emergency responders should have with them complete lists and maps of neighborhoods that have organized, together with names of those they can contact in each area to quickly ascertain the amount of damage and the level/amount of emergency response required.

Additionally, they should be able to access lists of people who can be called upon in each area to do secondary activities (such as halting or redirecting traffic), thereby allowing the Public Works Department to perform the tasks that require their expertise or

professional emergency responders to concentrate where they are urgently needed. Additionally, in the event of an emergency, the Police Department would ideally set up a command center. If telephone land lines came down and cell phones were disabled, then organized volunteers can communicate with a command center by in-person reports to relay status and the emergency needs of specific neighborhoods.

Longer term, Talent needs to prepare for larger and more severe natural disasters such as a Cascadian Subduction Zone Earthquake, which could cut off southern Oregon for weeks and disrupt power lines and water services. When a Cascadian event happens in the next 50 years, an initial severe earthquake of up to magnitude 9.0 will occur and last for many minutes (up to 7

minutes). The Cascadian event will be followed by after-shocks that will be less severe but still dangerous. When this happens it will be difficult if not impossible to get supplies, as highways will be unusable for long periods of time, probably weeks. If a Cascadian event happens during a period of unusual temperature extremes (such as sub-zero temperatures or temperatures above triple digits) then there will be a need to have emergency shelters and to create warmth or cooling for the very young or very old and other vulnerable residents. Additionally, water and food supplies should be available in a central location for the community.

All of these issues need to be carefully considered, discussed, then acted upon, requiring thought, planning and initiative from all concerned. We hope to be able to set up the initial meeting soon

and make progress towards keeping our neighborhoods safe and secure in all eventualities.

Together for Talent Ordinance update:

The ordinance will be presented before City Council on October 19th. T4T went through the ordinance together point by point with the lawyer's comments in order to offer recommendations to council. T4T members are encouraged to be present at the October 19th meeting to give recommendations to council on the ordinance.

By and large, the Together for Talent committee felt that most of the lawyer's suggestions and comments were good ones, but wanted to put the following before the Council:

1. In the section on "**sustainability**," in our wording we wanted to honor the request of Elizabeth Zwick that the spirit in which Together for Talent operates continues to strive to achieve goals through volunteers and community involvement—the "community resources" referenced.
2. Under **Section 2, Membership**, the committee discussed the various options for how many members the committee should have. Because opinion was divided, it was put to a vote, and a majority wanted the Council to consider leaving the section as it is, with a variable number of people. The rationale behind this was to leave room on the committee to bring experts onto the committee as voting members.
3. Under **Section 8, Quorum, Meetings, Rules and Procedures**, the Committee requests that the language remain as is: that a simple majority of voting members shall constitute a quorum.
4. Under **Section 9, Alternate Members**, the Committee requests that wording be clarified to reflect the intention—that members shall be replaced if their absence at three sequential meeting is "**unexcused**." We would not like to see members lose their status if they are ill, must tend to a family emergency, or the like.
5. Regarding **Section 10, removal from the committee**, we were advised that the specifics of "misconduct" be outlined in by-laws.

City law states that our current body (T4T) will have first priority to recommend members for appointment to the T4T committee if the ordinance is ratified. T4T also acquiesced to the recommendation that our member elections would be in held January, like other committees, and not June, as it is currently. By-laws for T4T will be written after council adopts the proposed ordinance. If by-laws are attached to the ordinance, the by-laws can only be changed through council. By-laws have to be in alignment and not conflict with the ordinance. By-laws can be reviewed by the city lawyer. T4T can review the by-laws for other committees that we could use

City of Talent
PERS Costs by Department
FY 16 Compared to FY17

	FY 2016-17	FY 2017-18	Difference
GF - Admin	54,289	69,959	15,670
GF - CD	23,267	28,666	5,399
GF - PD	87,681	117,741	30,060
Parks	8,967	11,626	2,659
Streets	27,483	34,893	7,410
Water	42,425	53,614	11,189
	244,112	316,499	72,387

MINUTES
TOGETHER FOR TALENT COMMITTEE MEETING
September 6, 2016
City Hall

Called to order at 3:05 pm, adjourned at 5:00 pm.

Present: Dorian Hastings, Sharon Anderson, Jim Thompson, Mark Smith-Poelz, Rianna Koppel, Charles Roome, Dolly Warden, members; Christina Collins, City Council Liaison. Guest: Hannah Sohl, Rogue Climate, Councilor John Harrison.

Minutes: August minutes approved.

Together for Talent Ordinance update:

Attorneys have reviewed the ordinance, and it will go before City Council on September 21st. Councilor Collins will contact Melissa, City Recorder, and Tom, City Manager, to get a final copy and send out to T4T members. T4T members will meet ad hoc before the 21st to review the final document before it goes before City Council.

Weed Team and Adopt A Sidewalk:

Dolly contacted Councilor Pederson, he will inform us of future meetings and updates about the Adopt A Sidewalk project. Wendy of Thrive and Cathy of Kindred Spirits are also involved in the project. Dolly will update us further next month. Dolly reported that a Public Works employee was hand-weeding around city property, (not using sprays) and identified milkweed.

IPM Policy update:

Jim reported that the IPM draft will include additional pages on alternative pesticide use as recommended by Bee City, including OMRI certified pesticides. Jim is corresponding with Kelly Blair to learn from the Carrboro, NC IPM model. Dolly reported that Jaime Hickner is willing to compile and create another report from the MSDS information on the pesticide use by Public Works. It is anticipated that a final draft of the IPM will be ready by spring 2017.

Approved 2016-2017 budget, report and final amount:

Charles handed out copies of the General Ledger Detail for T4T. Our remaining total for this fiscal year is \$1,644.99. The budget is not itemized by subcommittee. T4T has spent \$197.42 through the fiscal year to date (through 8/31/16). Sharon reported that Ryan Martin, Finance Director, gave us a copy of our expenditures from the last fiscal year, including how much of our budget was not spent, about \$242. The charges on the account from the past fiscal year were not specific, and T4T is unable to identify which charge was used for which subcommittee. Charles will follow up with Ryan in order to specify the charge for subcommittee, inquire about the charge labeled "Microsoft Subscription", and add detail to our current budget regarding the division of the expenditures amongst the subcommittees.

Joseph Street Pollinator Garden updates:

Dolly reported that she and Rianna visited the Joseph Street garden on September 2nd with two Public Works employees. Public Works turned on the water sprinkler system and marked out the sprinkler heads and boundaries. Dolly said that Bee City will continue to work together with Public Works to further the design and implementation of the pollinator garden. Dolly, Jim, and Rianna also visited Talent Middle School on September 2nd to talk with teacher Heather Armstrong about volunteering as consultants to the students, who will be designing and implementing pollinator gardens in two courtyards at the middle school over the course of the next year. Bee City members will be attending a meeting at the school on September 22nd to work with the students.

Preserving Monarch Habitat:

Dolly presented a proposed ordinance about protecting milkweed. The ordinance was presented to the Talent Garden Club and they voted to support the ordinance. Together for Talent reviewed the ordinance and voted unanimously to approve the ordinance.

Info cards describing T4T and subcommittees:

Rianna designed and presented a 2x7" bookmark about T4T. Charles recommended changing the mission on the bookmark to the new mission written into the proposed ordinance for T4T. Jim proposed adding the city's website. Dorian said her name and telephone number could be added. On the back, the subcommittees could be listed with dates and times for the meetings, with contact information. Sharon, Dolly, and Charles will have contact information listed. Rianna will contact Melissa to ask for the city website to be updated with correct information. Rianna will investigate cardstock options.

Harvest Festival:

T4T needs more people to man the booths. There will be two spaces for the Clean Energy team. We will have sign-ups for the subcommittees, Adopt A Sidewalk volunteer opportunities, a display about the Clean Energy Plan, the giant bee sculpture, and a bookmark about T4T and our subcommittees. Members are asked to bring their own chairs for seating. Dolly will bring a canopy for Bee City USA, which may also be handing out seeds in the parade. Jim will bring the big BEE sculpture. Rianna will create an 18x24" design with the city logo for a unified branding for all of the booths. Each booth will have a sign-up for their subcommittee.

Clean Energy Plan, 1st draft:

Rianna will send out an email to T4T members with the Clean Energy Plan draft from Rogue Climate. Hannah presented a copy of the draft that outlined the goals of the City of Talent to transition to 100% clean energy use by reducing energy usage by 30% by 2020, and generating clean energy to produce 70% of our energy usage by 2030. 53 solar projects have been completed in Talent over the past 10 years although it accounts for less than 1% of our energy use. The best ways to transition according to the Renewable Energy Assessment of Josephine and Jackson county from 2011 were energy efficiency/conservation, and solar. The plan includes sections on Talent's energy profile, energy conservation and generation, priority action

items and steps, outreach to engage stakeholders, economic cases for adoption, and roles and responsibilities of the city. Hannah asked T4T to research and recommend the specific roles and responsibilities of the city for the plan and tangible, first year action steps. The Clean Energy Team will meet together to discuss and will present to T4T on October 4th. Hannah recommended meeting with Tom Corrigan and Zac Moody to review, with the caveat to them that there will probably be further changes: Rianna will take charge of this. Nora, our RARE student, starts in two weeks and we can include her in meetings as well.

Subcommittee Reports:

- Bee City USA

The Bee City group weeded the roundabout on August 12th. The team met with Public Works at Joseph Park to view the water system. The team was present at the Honey Festival in Ashland on August 20th, and the Honey Tasting event on September 3rd during the Talent Garden Club. The group met with Heather Armstrong at Talent Middle School to discuss working with the students to design pollinator gardens throughout the next year. Bee City meets every 2nd Tuesday of the month at Jim's house.

- Zero Waste Team (formerly Waste Reduction subcommittee)

The group is changing their name to the Zero Waste Team, the motto is: There is No "Away"! The team is working to create a community art project with hard plastics. Recology is going to start accepting clamshells at the Water Street station. The group is working on creating a free durables (place settings, silverware) collection for community functions such as the Harvest Festival.

- Friends of Trees

There was a work party a few weeks ago at the tree nursery. Sharon will try to have a tree present at the Harvest Festival. Rianna will inquire with Public Works about the use of the chopped bark/mulch available at the tree nursery for use at future pollinator gardens.

- Emergency Preparedness

Charles is arranging a meeting with the mayor, sheriff, city police, city manager, fire chief, Kitty Harrison and others to determine responses and create a city plan to be utilized during emergency events. Other programs in the area include Map Your Neighborhood and Ashland's CERT.

- Clean Energy

The Clean Energy team will be present at the Harvest Festival with solar panels, a rain barrel, sign-ups for free energy savers kit, buttons, and information about the Clean Energy plan with vision and goals.

Announcements:

The next Rogue Climate Talent meeting will be Thursday, September 8th at 6 pm at the Town Hall.

Our next meeting will be Tuesday, October 4th, at 3 pm at City Hall.

Preliminary Agenda for next meeting:

T4T Ordinance update

Adopt A Sidewalk update

Budget and Subcommittee update

Pollinator Gardens update

Monarch/Milkweed Ordinance update

Clean Energy Action Plan review

Info Bookmark update

Harvest Festival report

Talent Trails discussion

Submitted by Rianna Koppel, Secretary

, Dorian Hastings, Chair

MINUTES
TOGETHER FOR TALENT COMMITTEE MEETING
October 4, 2016
City Hall

Called to order at 3:06 pm, adjourned at 5:00 pm.

Present: Dorian Hastings, Jim Thompson, Mark Smith-Poelz, Rianna Koppel, Charles Roome, Dolly Warden, members; Christina Collins, City Council Liaison. Guest: Norah Owings, Mayor Darby Stricker.

Minutes: September minutes not approved, will be amended and approved at next meeting.

Weed Team and Adopt A Sidewalk:

Dolly and Jim attended the Parks and Recreation committee meeting. The committee is waiting for a T4T member to take on responsibility as the leader or liaison to the Weed Team. In order for the Parks and Recreation committee to continue to extend the agreement for no-spray within certain city parks, leadership and organization will be necessary for a subcommittee through T4T. Dorian said that Helga Motley has volunteered to lead the Weed Team. Dolly will contact Meadowsweet and Helga. Charles will work together as a liaison.

Harvest Festival Report, T4T Booths:

The Zero Waste subcommittee will be debriefing later to offer a full report. Three vendors chose not to come to the festival because of the ban on plastics, either because they chose not to use available alternatives or felt that there were no appropriate alternatives. They were all snack vendors and 2 of the 3 planned to sell products that other vendors sold using paper. All of the regular food vendors who applied were able to comply, most of whom had participated previously without using plastic. Information and games were available at the booth about zero waste. Successful by-products of the Zero Waste booth included the washing of all utensils, 25 gallons of food waste, 25 gallons of glass, 35 gallons of recyclable materials, and 45 gallons of redeemable cans. 1550 gallons of waste will be going to the landfill and approximately 158 gallons of recyclable material was collected (food waste, glass, commingled/recycling material and redeemable bottles and cans). We had a total of 16 volunteers including 8 Master Recyclers that staffed the booth, the Waste Station and washed the silverware and glasses. Bee City participated in the parade, along with the big BEE sculpture. Bee City had a booth and gave out information on pollinators. Also, they had activities for children including making pollinator masks and beeswax candles. They gave out information on pollinators and plants. They also gave out information on the Tree City and Wagner Creek groups and took sign ups for these groups. Community members and city counselors handed out seeds. 200 packets of seeds from Siskiyou Seeds were distributed.

Clarification on Microsoft expenses in budget report:

Our remaining total for this fiscal year is \$1,644.99. The budget is cannot be itemized by sub-committee with our current software. T4T has spent \$197.42 through the fiscal year to date

(through 8/31/16). New software will be installed in November, and T4T will work with the Financial Director to itemize budget expenses by sub-committee to track our budget.

Discussion on Direction of Staff:

Mayor Stricker gave clear directions to T4T regarding recent communications between committee members and city staff before the Harvest Festival. In order to contact city staff, T4T members must direct communications through our council liaison, Council Collins. Only the city council can direct city staff operations. City staff is not required to respond to emails, phone calls, or other communications from T4T members or any other committee member or citizen, and T4T members are encouraged to utilize our council liaison for actionable items or communication with city staff.

Clean Energy Plan:

Rogue Climate Talent members have been revising the CEP and have structured a new draft that will include a one-year plan, a vision, and long-term goals for the city. They have identified holes and assigned tasks. Mark and other RCT members will work with our council liaison to gather necessary data from the city. October 30th will be the deadline for the final version of this draft, so the draft can be presented to T4T on November 1st for review. Members of the CEP subcommittee will meet before the next T4T meeting to finalize.

Together for Talent Ordinance update:

The ordinance will be presented before City Council on October 19th. T4T went through the ordinance together point by point with the lawyer's comments in order to offer recommendations to council. T4T members are encouraged to be present at the October 19th meeting to give recommendations to council on the ordinance.

By and large, the Together for Talent committee felt that most of the lawyer's suggestions and comments were good ones, but wanted to put the following before the Council:

1. In the section on "**sustainability**," in our wording we wanted to honor the request of Elizabeth Zwick that the spirit in which Together for Talent operates continues to strive to achieve goals through volunteers and community involvement—the "community resources" referenced.
2. Under **Section 2, Membership**, the committee discussed the various options for how many members the committee should have. Because opinion was divided, it was put to a vote, and a majority wanted the Council to consider leaving the section as it is, with a variable number of people. The rationale behind this was to leave room on the committee to bring experts onto the committee as voting members.
3. Under **Section 8, Quorum, Meetings, Rules and Procedures**, the Committee requests that the language remain as is: that a simple majority of voting members shall constitute a quorum.
4. Under **Section 9, Alternate Members**, the Committee requests that wording be clarified to reflect the intention—that members shall be replaced if their absence at three sequential meeting is "**unexcused**." We would not like to see members lose their status if they are ill, must tend to a family emergency, or the like.

5. Regarding **Section 10, removal from the committee**, we were advised that the specifics of "misconduct" be outlined in by-laws.

City law states that our current body (T4T) will have first priority to recommend members for appointment to the T4T committee if the ordinance is ratified. T4T also acquiesced to the recommendation that our member elections would be held in January, like other committees, and not June, as it is currently. By-laws for T4T will be written after council adopts the proposed ordinance. If by-laws are attached to the ordinance, the by-laws can only be changed through council. By-laws have to be in alignment and not conflict with the ordinance. By-laws can be reviewed by the city lawyer. T4T can review the by-laws for other committees that we could use

Subcommittee Reports:

- Bee City USA

City Council is expected to review the proposed milkweed ordinance tomorrow evening. Bee City members Jim Thompson, Rianna Koppel, and Dolly Warden reported that they weeded the pollinator garden on September 21st. Zac Moody, City Development Director, will present an updated city code about noxious vegetation. Our City Mayor said that all city code enforcement is complaint driven. Residents will be fined if noxious vegetation is above 6" rather than the previous 10". Dolly and Rianna from Bee City USA Talent met with Heather Armstrong and students at Talent Middle School to give advice and information about designing pollinator gardens throughout the next year. Bee City meets every 2nd Tuesday of the month at Jim's house.

- Waste Reduction (Zero Waste Team)

The team will be meeting at 4 pm later this week to discussing upcoming art projects, and working with schools. Recology is accepting plastic clamshells again.

- Friends of Trees

The seedlings at the Tree Nursery are growing and have made it through the summer. No upcoming work parties have been scheduled.

- Emergency Preparedness

Charles is arranging a meeting with the mayor, sheriff, city police, city manager, fire chief, Kitty Harrison and others to determine responses and create a city plan to be utilized during emergency events. Other programs in the area include Map Your Neighborhood and Ashland's CERT.

- Clean Energy Plan

A draft of the revised CEP will be presented at the next T4T meeting. Rogue Climate Talent and subcommittee members will be meeting during October to finalize.

Announcements:

The next Rogue Climate Talent meeting will be Thursday, October 13th at 6 pm at the New

Community Center. There will be a presentation from Seeds From The Sol.
Mark is resigning from Together for Talent.

Our next meeting will be Tuesday, November 1st, at 3 pm at City Hall.

Submitted by Rianna Koppel, Secretary

Dorian Hastings, Dorian Hastings, Chair



**TALENT PLANNING COMMISSION
REGULAR MEETING MINUTES
TALENT TOWN HALL
OCTOBER 27, 2016**

Study Session and Regular Commission meetings are digitally recorded and will be available online at:
www.cityoftalent.org

The Planning Commission of the City of Talent will meet on Thursday, October 27, 2016 in a regular session at 6:30 P.M. in the Talent 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 Planning Commission 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 COMMISSION MEETING- 6:30 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the Minute Taker. 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 Planning Commission.

I. Call to Order/Roll Call 6:30 P.M.

Members Present:

Commissioner French
Commissioner Hazel
Commissioner Milan
Commissioner Pastizzo
Commissioner Riley
Commissioner Schweitzer

Members Absent

None

Also Present:

Darby Stricker, Mayor
Daniel Wise, City Councilor
Zac Moody, Community Development Director
Jeff Wilcox, Minute-Taker

II. Brief Announcements

None.

III. Consideration of Minutes for September 22, 2016

Hazel asked for comments on the minutes from September 22, 2016, no comments were received.

Hazel asked the commission to entertain a motion.

Motion: Commissioner Milan moved to approve the Minutes of September 22, 2016. Commissioner Schweitzer seconded and the motion carried.

IV. Public Comments on Non-Agenda Items

Mayor Stricker and Planning Commissioner selection process

Moody asked Stricker if she would like to have her discussion in tandem with Agenda Action Item VI (Planning Commission Interviews).

Riley asked for the two items remain separate.

Hazel decided to keep Stricker's discussion item as a separate, non-agenda item.

Moody asked Stricker if she would like to read the letter she received.

Stricker explained that reading the complaint letter (Attachment #1) she received would trigger a formal process, instead she opted to read aloud some prepared comments (prepared comment not received) and then have the Planning Commission decide how to proceed. She explained that the complaint letter directed at her will not be submitted to the record unchallenged because it reads as a serious allegation of conflict of interest which is a violation of government ethics, administered by the Oregon Government Ethics Commission.

Stricker stated that Schweitzer recently submitted a letter, writing as a Planning Commissioner, expressing serious concern about the Planning Commissioner voting-member appointment process and that she suspects a conflict of interest.

Stricker explained that ideally, she would have the opportunity for a dialog to clear up any confusion before an official complaint was made public record. She explained that she offered to attend the last Planning Commission meeting (September 22, 2016) and was told there was no need for her to attend. Stricker continued, saying her desire is to have a 100% fair appointment process and promised there is no conflict of interest.

Stricker proceeded to read Oregon Revised Statute 192.660(2B):

ORS 192.660(2B) The governing body of a public body may hold an executive session: (b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.

Stricker asked if Schweitzer would like to submit the complaint to the public record. If Schweitzer did want to, Stricker said she would opt to have an open hearing to discuss the allegations.

Schweitzer explained the letter was addressed to commissioners to discuss the appointment process for voting members and that the letter was not intended to be an accusation. She added that there are no clear answers for the appointment process. Schweitzer concluded by asking if there was another way to have the conversation besides at a public hearing.

Moody said he would need to seek clarification from City Manager and Attorney about the public comment and public record keeping policy. Moody added that the letter, having been emailed to city staff may already be considered public record.

Hazel explained that she would be interested to know if the complaint could be removed from the public record and suggested to discuss the Planning Commissioner appointment process as a discussion item, right after the public hearing for CUP 2016-004.

Moody asked if this is this the consensus of the Planning Commission. The commissioners unanimously but informally agreed.

Moody asked Schweitzer if she wanted to rescind the complaint letter from public record, -and- if a discussion was to take place, would it be at the current meeting, on the following week, or not at all?

Schweitzer opted to remove the letter from public record for now and wait to hear back from the city attorney; she will resubmit comments in the future if necessary.

Hazel appointed Commissioner French as a voting member for the meeting.

V. Public Hearings

(Quasi-Judicial) Conditional Use Permit – Consideration of a Conditional Use Permit allowing the operation of a recreational cannabis retail business located at 630 S. Pacific Hwy. and described as Township 38 South, Range 1 West, Section 25B, Tax Lot 2801. File: CUP 2016-004. Decisions are based on the approval criteria found in Zoning Ordinance 8-3D.4 and 8-3L.2. Applicant: Brent Kenyon, Grateful Meds, LLC.

The opening statement and approval criteria were read into the record. There was no ex parte contact, although Riley had visited the site to become familiar with the layout.

Staff Report:

Moody explained this application is very similar to the two other dispensaries that were operating as medical marijuana retailers prior to recreational legalization. He continued, stating this Conditional Use application meets the criteria of the code, probably more-so than the other retailers because it meets distance criteria (from parks, schools, other dispensaries, etc.) better than the other facilities.

Moody explained that he wants to ensure that conditions of approval are sensible and consistent with other applications that were approved in town. He specified that this application is only for retail operations, not production.

Conditions of approval:

- No uses other than retail operations shall be conducted on the subject parcel without additional conditional use permit review.
- Onsite consumption or use of marijuana products or tobacco are prohibited.
- Security bars shall not be allowed on any portion of the exterior of the building, nor shall they be installed on the interior of the building if they are visible from the outside.
- Provide Community Development a complete list of products to be sold or stored onsite. Upon review by the Jackson County Fire District 5 Fire Chief or the Building Official, if it has been

determined that a fire, life and safety inspection and/or a change of occupancy is required, the applicant shall prior to Certificate of Occupancy, install all necessary improvements to meet the building code of the new occupancy group.

- Submit plans for and install an appropriate air filtering and ventilation system sufficient to confine odors on the premises or provide evidence from a licensed professional that the existing air filtering and ventilation system is adequate to meet the intent of the standard. Plans for the necessary air filtering and ventilation system shall be submitted to the Building Official for review and approval prior to installation.
- Provide Community Development with a complete copy of the approved State retail license including all conditions, prohibitions and a list of names of all owners, operators and employees. The names of all owners, operators and employees and their background checks shall be provided to Community Development on an annual basis as part of the business license application.
- Provide Community Development a waste management plan in accordance with OAR 845-025-7750 detailing how solid and hazardous waste along with wastewater will be disposed or provide documentation that a waste management plan has been approved as part of the OLCC licensing process. The applicant shall install any required waste management facilities necessary to meet the requirements of OAR 845-025-7750.
- Permanently mark one (1) additional parking space as proposed on the approved site plan.
- Install one bicycle space for every ten (10) motor vehicle parking spaces. Sheltered bicycle parking is recommended.

Moody explained that this establishment was originally approved via a Site Plan Review, which converted the site from an automotive repair shop to a medical marijuana retail shop (SPR 2014-004). ODOT discovered that the site plan that was approved by staff extended beyond the confines of their property lines. This new application corrects the site plan, removing the landscape strip, and adjusting the parking strips to fix ODOT encroachment issues. ODOT will then be able to consider granting a right-of-way (ROW) permit to Grateful Meds, so they can retain the landscape strip. Moody asked the commission for questions.

Riley asked if the parking plan in original application is no longer valid, expressing concern that what was submitted by the applicant is different than what she observed on site.

Moody explained that a revised site plan has been submitted, using sharpie marker on the original site plan (from SPR 2014-004). He continued, stating that there are two parking stalls in the back, and three in front, including one Americans with Disabilities Act (ADA)-accessible parking stall. Grateful Meds will have to re-stripe the parking and hash out one old parking spot with this revised site plan because it encroached on ODOT ROW.

Milan voiced his concern for adequacy of odor control. He asked staff if there have been any complaints on odor control from current retail establishments.

Moody explained that one complaint was recently received from Chief Whipple. He elaborated, stating that the wholesale marijuana business at 806 S. Pacific Hwy. did not have adequate ventilation and consequently, marijuana smells were drifting into the Crown Market, also at 806 S. Pacific Hwy.

PUBLIC HEARING OPENED

Representative **Robert Graham** of Evergreen Law Group (542 Washington St. Ste. 104, Ashland, OR) spoke on behalf of applicant Brent Kenyon of Grateful Meds.

Graham explained that retail operations produce significantly less odor when compared to a wholesaler or processor, and that odor had been addressed during the initial business opening. Parking will be re-striped as soon as there is a break in the rainy weather. Graham explained that simply put, the retail business is applying to sell marijuana to recreational users as well, which means it would be regulated by the Oregon Health Authority (OHA) and now, the Oregon Liquor Control Commission (OLCC) as well. He concluded, by saying he and applicant Brent Kenyon would both be available for any questions.

Riley asked the applicant about the building color choice.

Brent Kenyon (2319 Hillcrest Rd., Medford, OR) explained all of his businesses are painted in bright colors to garner attention. He added that he has plans to improve the landscaping at the time he purchases the property and looks forward to making the business look attractive while standing out. Speaking to the issue of odor, Kenyon explained that he had experience resolving issues by installing an air filtration in a retail store that was located in a strip mall. He added that his Talent location is removed from other retail locations but he added extra precautions ahead of time.

Kenyon explained that he is on the OLCC rules advisory committee which advises the Governor's Office and Attorney General on cannabis issues in Oregon. Kenyon and Graham work together consulting and setting up dispensaries, gardens and wholesale operations. Kenyon explained that he may be looking into a wholesale license in the future because it allows him to shift his inventory around with greater ease. He said that officials from across the state have visited his sites to see how the industry is moving forward and said he is happy to field questions from the City in the future if so desired.

Schweitzer asked where the other Grateful Meds were located. Kenyon said they are currently operating out of Portland, Springfield and Talent.

PUBLIC HEARING CLOSED

Moody added for clarification that if the conditional use permit is approved, this facility would sell marijuana for recreational use, in addition to its current sales for medical use.

Motion: Schweitzer moved to approve CUP 2016-004 with conditions as stated in the staff report. Pastizzo seconded and the motion carried. All commissioners voted in favor.

VI. Discussion Items

Planning Commission application process

Moody asked how to deal with two applicants since there are not currently two openings, just one. He added that since it is likely another seat will be made available soon, would the commission entertain the idea of recommending both applicants to City Council ahead of time.

Darby explained that only Commissioner Riley's application was received by the deadline, which was October 3, 2016. She added that the application time should only be open two weeks, and extended only if necessary.

French agreed, acknowledging that her original application had been withdrawn and that by time she resubmitted, the deadline had passed.

Stricker stated that according to state law, any vacancy created must be appointed by the governing body.

Moody asked why the application process had to be closed; adding that in the past, if an application had been received prior to the agenda being released and the candidate was qualified, they would have been considered.

Stricker explained that the application policy came into effect in January 2015, and it stipulates that there is a required minimum time for application (2 weeks) but it can be extended. In this case it was extended to 5 weeks. She added that the seat was vacated on July 28th 2016 and the application process closed on October 3rd, 2016. She concluded by explaining that the idea behind the policy is to give closure to applicants.

Stricker moved on to explain the commission appointment process, maintaining that the highest authority for a Planning Commission is the state. Planning Commissions have particular statutes due to responsibilities associated with quasi-judicial hearings.

ORS 227.030(3) any vacancy in such a commission shall be filled by appointing authority for the unexpired term of the predecessor in the office.

Stricker added that another authorizing document is the City Charter, which was installed by city voters.

City Charter, Chapter Five § 21, Powers and Duties of Officers. The Mayor and Council shall appoint members of committees and commissions established by Council and Other persons required by the Council to act in an advisory capacity to the Council or its appointed committees and commissions.

Stricker continued to explain current city policy and her campaign promise, part of which is to ensure equal access to government for everybody. When a commission vacancy is declared, city staff will cause a seat vacancy notice to be placed on the city website, in three conspicuous areas around city and in The Flash newsletter if time allows. Stricker concluded by stating that she and City Council will make the final decision on the Planning Commission voting member, but she'd be happy to take recommendations from the Planning Commission.

Moody stated that it was his understanding that when a voting member seat became available on the Planning Commission, the longest-serving alternate would be appointed to it.

Stricker acknowledged there had been some confusion on the appointment process in the past.

Wise reiterated that the Planning Commission may still choose to recommend the longest-seated alternate to City Council and the Mayor for appointment to voting member.

Schweitzer explained that in her view, the Planning Commission had made two clear recommendations for Commissioner French to be appointed to voting member. Schweitzer added that in French's two years of service to the Planning Commission, acting as a voting member on many occasions, she has proven herself to be suited for the job.

Darby stated that she had asked city staff to prompt Planning Commissioners for recommendations but had never received any.

Pastizzo asked if it was posted when applications would be closed and if so whose responsibility is it?

Stricker explained that city staff posts vacancies. She would like to see the application policy be revised to specify opening and closing details.

Moody explained that he added French's application to the Planning Commission Agenda Packet because there was no clear legal guidance on who is permitted to close the application process. He asked why the application process shouldn't have been left open until the next meeting.

Stricker replied that the end goal was to get the vacancy filled quickly since it had been open for nearly two months.

Schweitzer asked Stricker that since she had asked the Planning Commission for a recommendation, wouldn't the Planning Commission's decision to make French a voting member count?

Stricker explained that would not count as a recommendation because the vacancy hadn't been declared yet.

Wise elaborated, the process requires the seat be declared vacant and open prior to anyone being appointed or recommended. If it had been at least two weeks from that declaration, that motion could have been considered as a recommendation.

Stricker explained that she still needs a voting member recommendation to take to City Council and would be happy to take feedback for upcoming policy changes as well.

Milan asked how the Planning Commission makes a recommendation. Do they rank all applicants based on qualifications, or do they recommend a single candidate?

Stricker asked for a single recommendation and invited the commissioners to visit her during office hours to resolve issues as soon as they occur.

Pastizzo asked Stricker if both applicants should be considered.

Stricker reminded Pastizzo that only one completed application was received in time.

Schweitzer stated that given the confusing circumstances surrounding the application process, in her mind, both applications should be considered.

Moody explained that Planning Commission can choose to review one or both candidates, however City Council and the Mayor ultimately make the decision and may take into consideration the application deadline when making that decision.

Hazel stated that her personal feeling is to just evaluate commissioner Riley's application since the commission will soon be expanding. She then asked for a general consensus from commissioners.

After a brief discussion, it was informally decided that only Riley's application would be considered.

VII. Action Items

Riley Interview for voting member of Planning Commission

Hazel reminded the commission that their options were to make a motion to: recommend, -or- not recommend the applicant to the Mayor and City Council.

Moody explained the interview process necessitates meeting with the Planning Director, Mayor and the Planning Commission. The commission then interviews the applicant.

The interview commenced.

Schweitzer asked Riley to give examples of how she will exemplify: Respect, Teamwork, Courtesy and Fairness.

Riley explained that providing everyone with an opportunity to speak is important, and it is courteous to raise a hand to speak. She added that she has experience working to problem solve large and contentious land use actions. Speaking to the topic of courtesy, she added that includes addressing Planning Commissioners formally. She concluded by stating that she possesses a deep knowledge of Oregon Planning Law and enjoys the challenge of working with experienced lawyers, engineers and architects to ensure planning laws are followed.

The interview concluded.

Hazel asked the Planning Commission for a motion.

Motion: French moved to recommend Commissioner Riley to the vacancy, Milan seconded and the motion carried. All commissioners voted in favor.

Stricker asked Planning Commission to consider providing standardized and consistent questions for candidates in the future.

VIII. Discussion Items

Work Session # 2 – Housing Needs Analysis (HNA) & Draft Housing Policies

Moody explained that the document the commissioners received in their packet isn't quite current, as it is constantly being revised and improved; specifically, some of the numbers have been recently reworked slightly. Moody explained that due to time constraints, he will expedite the presentation, but commissioners are encouraged to email him with questions, then he will provide the questions to the Citizen Advisory Committee (CAC) meeting and respond to those questions at the public hearing.

HNA Timeline

Moody mentioned the process started in August 2016 and is tentatively scheduled to go to Public Hearing in Planning Commission in November 2016 then it would be taken to City Council for adoption in December. The Comprehensive Plan update to the Housing element will be produced with the HNA as an appendix.

Background

Housing trends were last evaluated in 2001 using 2000 census data, therefore the information is outdated. Part of the Housing needs analysis included city staff conducting a Buildable Lands Inventory (BLI) using Geographic Information Systems (GIS) to analyze residential lands.

Main components of HNA

1. BLI,
2. Historical and Recent Development Trends,
3. Demographics and other factors affecting residential development,
4. Housing Needs in Talent,
5. Residential Land Sufficiency Test within Talent

Moody explained that ECONorthwest consultant (Beth Goodman) wasn't present because he wanted her to be available for the upcoming public hearings (Planning Commission and City Council) so that she could be there for specific questions and be able to provide a high level of detail.

Stricker asked if there will be a public charrette.

Moody explained that every CAC meeting has been publicly noticed and mailed, additional charrettes will need to be coordinated at the City Manager/City Council level.

Goals

Develop a Housing Element that is consistent with the requirements of statewide planning goal 10
Analyze the city residential land inventory. Incorporate updated local, state and national trends into the revised housing element. Present factors that affect housing need in Talent, focusing on age income, and housing composition. Evaluate housing affordability in Talent relative to the larger region. Forecast housing growth in Talent, describing housing need by density ranges and income levels.

BLI Definitions

Vacant land – tax lots that have no structures or have buildings with very little improvement value (standard for the state).

Partially vacant – those occupied by a use but which contain enough land to be further subdivided without the need for rezoning.

Undeveloped land – vacant land that is under the minimum lot size for the underlying zoning district, no access, committed to other policies, HOA owned land, lack of potential access or more than 90% constrained.

Public lands – those owned by fed, state, county, city, hospitals...etc.

BLI Results

163 acres are developed in Residential Low (RL) within City Limits, 59 acres Residential Manufactured Home (RM), Residential High Density (RH) 104 acres, 1 acre RL within the UGB. There are 95 acres that the City can't really count as buildable land in the UGB. Not sure how to develop it with infrastructure constraints. The Residential Manufactured Home Comprehensive Plan designation may be changed to Residential Medium Density, which is more appropriate since a majority of the RM zoned property would fit the medium density category well and already contain Single Family Residences.

Wise asked if the RL designated lands in the UGB had to remain that way.

Moody confirmed that is the current designation but the HNA points out the possibility of changing some of that land to medium density. The City is trying to figure out how to make the land in southern Talent

usable for development when it requires a railroad crossing; it must be included in the inventory unless it is officially de-urbanized, which is unlikely because the land would lose value. Consultants will help determine where buildable land can be obtained since so much land is currently infrastructure constrained. More answers will be made clear after meeting with Robert Parker, a University of Oregon research associate, instructor and consultant that advises ECONorthwest on their projects and specializes on urban populations under ten-thousand.

Trends in Housing

Total dwelling units in Talent

- 2000: 2420 dwelling units
- 2010-2014: 2903 dwelling units
- Housing mix fairly consistent over the years, currently: 75% Single Family Detached; 25% Single Family attached and Multi Family 25%

Trends in Tenure

Housing tenure describes whether a dwelling is owner or renter-occupied. 61% of Talents households own their own home, 68% Phoenix, 51% Medford, 62% Jackson County (incorporated areas removed) 62% State.

Housing Densities

- 1993-97 – 6.1 dwelling units per acre
- 1998-2002 – 6.4 dwelling units per acre
- 2003-2007 – 7.7 dwelling units per acre
- 2008-2012 – 7.4 dwelling units per acre
- 12.4 units per acre average density in Talent apartments

Steps in Housing Needs Analysis

- Identify relevant state and local demographics.
- Describe demographic characteristics of the population and housing trends relating to different housing types.
- Review housing affordability based on average household income.

Determining Housing Demand

Age of householder (based on census data) millennials vs. older families,
size of household (approx. 2.7 people per household in Talent),
Household income (drives demand for Single-Family and Multi-Family developments)

French asked what HUD housing duplexes would be categorized as.

Moody explained that differentiating single-family vs. multi-family homes was separated out based on Jackson County assessment type and asked French to email him that question so he could follow up with the consultant.

Projected Population Growth

- City of Talent rate of growth is almost twice the rate of Jackson County
- 1.7% City annual population growth projected 2016-2036
- Current population approximately 6600

Commuting Trends

- 154 live and work in Talent
- 862 commute into Talent to work
- 2147 commute out to work

Trends affecting affordability

- Data from 2010-2014 explains median gross rent is \$992 in Talent (averaging Single-family and Multi-family residences together)
- Ashland currently less expensive

Trends affecting need

- Growth in housing will be driven by growth in population
- Housing affordability will continue to be a key challenge in Talent, policies will address this issue
- Without substantial changes in housing policy on average future housing will look a lot like past housing
- If the future differs from the past, it is likely to move in the direction (on average) of smaller units and more diverse housing types
- No amount of analysis is likely to make a distant future completely certain
- Purpose is to gain approximate idea to make policy changes today and update as necessary

Residential Lands Sufficiency and Deficit

- 74 low density dwelling unit deficit; 69 City Limits, 5 Urban Growth Boundary
- 124 medium density dwelling unit deficit
- 83 high density dwelling unit deficit
- 81 commercial (mixed use) dwelling unit deficit
- 362 units needed over course of next 20 years
- Land in Belmont area will also work against deficit

Moody asked the Planning Commission if they would like another work session.

The Planning Commission unanimously and informally agreed to hold an additional work session at the next scheduled meeting.

Moody requested commissioners send HNA questions to him in the meantime, so the consultant can answer questions prior to the next meeting.

Ordinance Update for Expansion of Planning Commission

Wise asked the Planning Commission if they were confident they can fill an extra Planning Commission seat and asked if anyone had objections. He added that as the ordinance update currently reads, the seven-member commission would have a four-member quorum.

Moody added that he has to go to City Council and do a second reading and wants to make sure Planning Commission is okay with what was presented to Council during the first reading.

The Planning Commission unanimously but informally supported the second reading for the ordinance update.

IX. Propositions and Remarks from the Commission

There were none.

X. Next Meeting

It was agreed that the next meeting would be scheduled for November 17, 2016 to adjust for the holidays.

XI. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 10:04 p.m.

Submitted by: _____

Date: _____

Attest:

Zac Moody, Community Development Director

Chair Hazel

DRAFT

*Further information on the Code amendments is available at the Community Development office.

Note: These Minutes 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. The Minutes are not a verbatim record: the narrative has been condensed and paraphrased to reflect the discussions and decisions made.

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.

DRAFT

Dear Planning and Zoning Commissioners,

October 25, 2016

I am writing today as a planning commissioner for the past 3 years with a serious concern re: process and conflict of interest. During our last meeting I mentioned that I had concerns re: the process that has gone on since Feb 2015 with commissioner interviews and appointments. Below I will try and relay my concerns with you in hopes of coming to a resolution that feels fair and appropriate.

When Dave Pastizzo and Joi Riley presented to the commission as applicants for one open seat on 2/26/15 you may remember the mayor was in attendance with Joi. I appreciated that she came as a community member to support her friend. However, that same evening she spoke from the seated area – not the front table, thus out of turn/process- as the mayor to answer questions. At that point, I am afraid that some conflict of interest occurred. She was no longer a member of the community and was then attending as the mayor in support of an applicant for an open Planning Commission seat.

That same evening I recalled that there were actually 4 applicants. These applicants had already met with the mayor but did not show to the interview even though their applications showed a very clear interest in sitting on the commission. When I questioned this at the interview the mayor stated she had met with all 4 and asked all the applicants if they would be willing to sit on another committee. At the time it seemed odd of them not to show.

Later, I remembered that when the commission recommended commissioners French and Milan on 12/18/14 that I questioned how the decision was made to appoint one but not the other. This is in the public record from Jan 7, 2015. It was relayed that the mayor decided Milan had more experience and that commissioner French would move from an alternate to a voting member when a position came open.

Finally, we find ourselves at present time when the commission appointed French to be a voting member based on her experience with the commission, attendance and commitment, her willingness and desire to continue serving the city of Talent.

Later, that decision was rescinded and the “open application period” was closed by the mayor.

It seems that there have been a few decisions made “out of process”. I want to believe that everyone is doing their best and that there is no alternate agenda. Because transparency and correct process have been a focus of late, I feel it important for us to have an honest conversation about my above observations.

At this point, I thought our job was to make recommendations to the council but if each recommendation is going to be over ridden then why are we spending precious time doing it?

Thank you for your time and commitment,

Brenda Schweitzer



City Council Accounts Payable Report

October 1 – October 31, 2016

Meeting Date: November 16, 2016

Primary Staff Contact: Ryan Martin *RM*

Department: Administration

Email: rmartin@cityoftalent.org

Approval: Thomas J. Corrigan

Secondary Contact:

[Handwritten signature and date: 11/16/16]

Attached is the check register for October 1 – October 31, 2016 for your review. Miscellaneous reimbursements, Town Hall/Community Center deposits and Utility Billing credit balance refunds (STMP...) were issued on October 13th, checks numbered 28761-28764 and on October 24th, checks numbered 28805-28807. Notable expenditures for this period include:

- Check# 28723 Dell Marketing L.P. (\$6,371.40) – City Hall Server
- Check# 28788 Pilot Rock Excavation (\$323,229.90) – N. Front Street Paving
- Check# 28751 Tyler Technologies (\$2,062.50) – Financial Software Payment
- Check# 28732 Jackson County Planning and Development (\$10,624.29) – Building Inspection Services
- Check# 28735 Medford Water Commission (\$8,295.18) – SDC Charges for September 2016
- Check# 28740 Phoenix Talent School District (\$8,295.18) – September 2016 CET
- Check# 28777 (\$1,999.94) – Police Department Fuel

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

Check Register-Summary-Bank



Vendor : A1PAV001 To ZUMAR001
 Cheque Dt. 01-Oct-2016 To 31-Oct-2016
 Bank : 003 - US BANK - GENERAL - MONEY GOES OUT

Seq : Cheque No. Status : All
 Medium : M=Manual C=Computer E=EFT-PA

Check #	Check Date	Vendor	Vendor Name	Status	Batch	Medium	Amount
28713	12-Oct-2016	ALLIN001	ALL IN ONE RENTAL	Cleared	78	C	373.28
28714	12-Oct-2016	ALSCO001	ALSCO INC.	Cleared	78	C	506.39
28715	12-Oct-2016	ATTWI001	AT&T MOBILITY	Cleared	78	C	872.63
28716	12-Oct-2016	AVIST001	AVISTA UTILITIES	Cleared	78	C	160.66
28717	12-Oct-2016	BLUME001	BLUMENTHALS CORP.	Cleared	78	C	310.00
28718	12-Oct-2016	C&SFI001	POTTER, STEVEN	Cleared	78	C	837.28
28719	12-Oct-2016	CANOP001	CANOPY LLC	Cleared	78	C	150.00
28720	12-Oct-2016	CANTE001	CANTEL OF MEDFORD INC.	Cleared	78	C	429.00
28721	12-Oct-2016	CITOT003	CITY OF TALENT	Cleared	78	C	49.89
28722	12-Oct-2016	COVEY001	COVER YOUR ASSETS EVENT SECURITY LL	Cleared	78	C	498.00
28723	12-Oct-2016	DELLM001	DELL MARKETING L.P.	Cleared	78	C	6,371.40
28724	12-Oct-2016	ELWOO001	ELWOOD STAFFING SERVICES INC.	Cleared	78	C	2,453.22
28725	12-Oct-2016	FASTE001	FASTENAL	Cleared	78	C	112.44
28726	12-Oct-2016	FEDEX001	FEDEX	Cleared	78	C	21.13
28727	12-Oct-2016	FERGU001	FERGUSON WATERWORKS INC.	Cleared	78	C	616.68
28728	12-Oct-2016	GERLI001	GERLITZ ENGINEERING CONSULTANTS LLC	Cleared	78	C	718.75
28729	12-Oct-2016	HOMED001	HOME DEPOT CREDIT SERVICES	Cleared	78	C	1,169.44
28730	12-Oct-2016	HUKIL001	HUKILLS INC	Cleared	78	C	690.00
28731	12-Oct-2016	JACKS017	JACKSON COUNTY INFORMATION TECHNOL	Cleared	78	C	679.00
28732	12-Oct-2016	JCPLA001	JACKSON COUNTY PLANNING AND DEVELOI	Cleared	78	C	10,624.29
28733	12-Oct-2016	JCROA001	JACKSON COUNTY ROADS	Cleared	78	C	773.03
28734	12-Oct-2016	LOCKW001	LOCKWOODS AUTOMOTIVE	Cleared	78	C	364.81
28735	12-Oct-2016	MEDFO002	MEDFORD WATER COMMISSION	Cleared	78	C	8,876.50
28736	12-Oct-2016	MIKES001	MIKES A FULL SERVICE PRINTER INC.	Cleared	78	C	65.25
28737	12-Oct-2016	OFFIC001	OFFICEMAX CONTRACT INC.	Cleared	78	C	828.79
28738	12-Oct-2016	ORCON001	OREGON DEPT OF CONSUMER & BUSINESS	Cleared	78	C	1,863.85
28739	12-Oct-2016	ORPUR001	DAS CASHIER - PROCUREMENT SERVICES	Cleared	78	C	500.00
28740	12-Oct-2016	PHOEN002	PHOENIX-TALENT SCHOOL DISTRICT	Cleared	78	C	8,295.18
28741	12-Oct-2016	PHOEN003	PHOENIX AUTO PARTS	Cleared	78	C	55.85
28742	12-Oct-2016	PITNE001	PITNEY BOWES	Cleared	78	C	18.70
28743	12-Oct-2016	POLAR001	POLARIS LAND SURVEYING LLC	Cleared	78	C	660.00
28744	12-Oct-2016	PRINT001	PRINTFAST INC.	Cleared	78	C	78.95
28745	12-Oct-2016	RECOL001	RECOLOGY ASHLAND SANITARY SERVICE IN	Cleared	78	C	503.70
28746	12-Oct-2016	RESER001	RESERVE ACCOUNT	Cleared	78	C	1,500.00
28747	12-Oct-2016	ROGUE003	ROGUE VALLEY SEWER SERVICES	Cleared	78	C	412.52
28748	12-Oct-2016	ROGUZ001	ROGUE SHRED LLC	Cleared	78	C	35.45
28749	12-Oct-2016	SECUR001	SECURECOM INC	Cleared	78	C	284.25
28750	12-Oct-2016	SUPPL001	911 SUPPLY LLC	Cleared	78	C	333.96
28751	12-Oct-2016	TYLER001	TYLER TECHNOLOGIES	Cleared	78	C	2,062.50
28752	12-Oct-2016	USBAN001	US BANK CORP TRUST SERVICES	Cleared	78	C	1,437.50
28753	12-Oct-2016	WELLB001	WELBURN ELECTRIC INC.	Cleared	78	C	347.63
28754	13-Oct-2016	HRAVE001	HRA VEBA TRUST	Cleared	80	C	1,430.00
28755	13-Oct-2016	NATIO004	NATIONWIDE RETIREMENT SOLUTION	Cleared	80	C	32.31
28756	13-Oct-2016	ORSAV001	VOYA-STATE OF OREGON PLAN	Cleared	80	C	585.00
28757	13-Oct-2016	TEAMS001	TEAMSTERS LOCAL 223	Cleared	80	C	896.00
28758	13-Oct-2016	VANTA001	VANTAGEPOINT TRANSFER AGENTS 306560	Cleared	80	C	1,347.50
28759	13-Oct-2016	HALLA001	HALLMARK, ALLEN	Cleared	82	C	100.00
28760	13-Oct-2016	LOCKB003	LOCKWOOD, BAR	Cleared	82	C	420.00
28761	13-Oct-2016	STMP001516	CLEARVIEW RESIDENTIAL DEVELOPMENT LI	Issued	82	C	55.94
28762	13-Oct-2016	STMP001517	BERNAL, BALARAMA	Issued	82	C	55.94
28763	13-Oct-2016	STMP001518	YOUNG, MABEL	Cleared	82	C	34.63
28764	13-Oct-2016	STMP001519	PETERSON, NICOLE AND TRAVIS, PETERSOI	Cleared	82	C	32.94
28765	24-Oct-2016	ALSCO001	ALSCO INC.	Cleared	90	C	232.52
28766	24-Oct-2016	AULIP001	AULIK, PATRICIA	Cleared	90	C	100.00

Check Register-Summary-Bank



Vendor : A1PAV001 To ZUMAR001
 Cheque Dt. 01-Oct-2016 To 31-Oct-2016
 Bank : 003 - US BANK - GENERAL - MONEY GOES OUT

Seq : Cheque No. Status : All
 Medium : M=Manual C=Computer E=EFT-PA

Check #	Check Date	Vendor	Vendor Name	Status	Batch	Medium	Amount
Bank : 003 US BANK - GENERAL - MONEY GOES OUT							
28767	24-Oct-2016	AUTOA001	AUTO ADDITIONS INC.	Cleared	90	C	200.20
28768	24-Oct-2016	BCENG001	BC ENGRAVING & AWARDS INC.	Issued	90	C	38.00
28769	24-Oct-2016	BICOA001	BICOASTAL MEDIA GROUP LLC	Cleared	90	C	500.00
28770	24-Oct-2016	BUTLE001	BUTLER FORD INC.	Cleared	90	C	29.95
28771	24-Oct-2016	CANTE001	CANTEL OF MEDFORD INC.	Cleared	90	C	144.00
28772	24-Oct-2016	CDWVGZ001	CDW GOVERNMENT INC	Cleared	90	C	700.69
28773	24-Oct-2016	ELWOO001	ELWOOD STAFFING SERVICES INC.	Cleared	90	C	720.72
28774	24-Oct-2016	ETSCO001	ETS Corporation	Issued	90	C	7.62
28775	24-Oct-2016	EWING001	EWING	Cleared	90	C	350.54
28776	24-Oct-2016	HUNTE001	HUNTER COMMUNICATIONS INC	Cleared	90	C	1,409.50
28777	24-Oct-2016	JCROA001	JACKSON COUNTY ROADS	Issued	90	C	1,999.94
28778	24-Oct-2016	LOCAL002	BIALASIK, SHIELDS M.	Cleared	90	C	245.00
28779	24-Oct-2016	LOCKW001	LOCKWOODS AUTOMOTIVE	Cleared	90	C	222.91
28780	24-Oct-2016	LTMME001	LTM MEDFORD INC	Cleared	90	C	199.50
28781	24-Oct-2016	MAILT001	MAIL TRIBUNE ADVERTISING	Cleared	90	C	366.52
28782	24-Oct-2016	MEDFO004	MEDFORD BUILDERS EXCHANGE	Cleared	90	C	67.00
28783	24-Oct-2016	METAL001	METAL MASTERS INC	Cleared	90	C	231.00
28784	24-Oct-2016	NEILS001	NEILSON RESEARCH CORP.	Cleared	90	C	196.00
28785	24-Oct-2016	OFFIC001	OFFICEMAX CONTRACT INC.	Cleared	90	C	299.82
28786	24-Oct-2016	ONECA001	ONE CALL CONCEPTS INC.	Cleared	90	C	44.88
28787	24-Oct-2016	PATHW001	PATHWAY ENTERPRISES INC.	Cleared	90	C	1,257.37
28788	24-Oct-2016	PILOT001	PILOT ROCK EXCAVATION INC.	Cleared	90	C	323,229.90
28789	24-Oct-2016	PITNE001	PITNEY BOWES	Issued	90	C	342.18
28790	24-Oct-2016	PRINT001	PRINTFAST INC.	Issued	90	C	615.35
28791	24-Oct-2016	PRONT001	PRONTO PRINT / EPIGRAPHICS INC.	Issued	90	C	109.04
28792	24-Oct-2016	RICOH001	RICOH USA INC.	Cleared	90	C	449.58
28793	24-Oct-2016	ROGUE005	ROGUE VALLEY COUNCIL OF GOVERNMENT	Cleared	90	C	28,015.84
28794	24-Oct-2016	SNEAK001	SNEAK PREVIEW NEWS & REVIEW LLC	Issued	90	C	500.00
28795	24-Oct-2016	SPEER001	SPEER HOYT LLC	Cleared	90	C	2,604.10
28796	24-Oct-2016	STANL001	STANLEY CONVERGENT SECURITY SOLUTIC	Cleared	90	C	497.96
28797	24-Oct-2016	STEPF001	STEP FORWARD ACTIVITIES INC.	Issued	90	C	679.34
28798	24-Oct-2016	SWANK001	SWANK MOTION PICTURES INC.	Cleared	90	C	230.00
28799	24-Oct-2016	THEST001	THE STICKER DUDE INC	Issued	90	C	178.32
28800	24-Oct-2016	TYLER001	TYLER TECHNOLOGIES	Cleared	90	C	656.25
28801	24-Oct-2016	USBAN004	U.S. BANK CORPORATE PAYMENT SYSTEMS	Issued	90	C	5,049.60
28802	24-Oct-2016	WELLB001	WELBURN ELECTRIC INC.	Cleared	90	C	82.00
28803	24-Oct-2016	LOPEH001	LOPEZ, HELEN	Cleared	91	C	60.00
28804	24-Oct-2016	MCCLA002	MCCLACHLAN, CINDY	Issued	91	C	60.00
28805	24-Oct-2016	STMP001520	SUNCREST HOMES	Issued	91	C	56.39
28806	24-Oct-2016	STMP001521	UFFORD, JEANNIE AND UFFORD, MATT	Cleared	91	C	14.42
28807	24-Oct-2016	STMP001522	FARRIS, JUSTIN	Issued	91	C	51.54
28808	24-Oct-2016	YUANL001	YUAN, LILLIAN	Cleared	91	C	60.00
28809	25-Oct-2016	AFLAC001	AFLAC	Issued	93	C	1,203.66
28810	25-Oct-2016	NATIO004	NATIONWIDE RETIREMENT SOLUTION	Cleared	93	C	32.31
28811	25-Oct-2016	ORSAV001	VOYA-STATE OF OREGON PLAN	Issued	93	C	585.00
28812	25-Oct-2016	STAND001	STANDARD INSURANCE CO	Cleared	93	C	1,201.20
28813	25-Oct-2016	STAND001	STANDARD INSURANCE CO	Cleared	93	C	13.50
28814	25-Oct-2016	VANTA001	VANTAGEPOINT TRANSFER AGENTS 306560	Cleared	93	C	1,347.50
00338-0001	13-Oct-2016	ORDOJ002	OREGON DEPT OF JUSTICE	Issued	81	E	193.00
00338-0002	13-Oct-2016	ORPUB003	OREGON PUBLIC EMPLOYEES RETIREMENT	Cleared	81	E	8,705.23
00338-0003	13-Oct-2016	ORREV002	OREGON DEPARTMENT OF REVENUE	Cleared	81	E	4,744.46
00338-0004	13-Oct-2016	UNITE002	UNITED STATES TREASURY PR TAX EFT	Cleared	81	E	17,712.53
00339-0001	14-Oct-2016	ORREV002	OREGON DEPARTMENT OF REVENUE	Cleared	84	E	150.82

Check Register-Summary-Bank



Vendor : A1PAV001 To ZUMAR001
 Cheque Dt. 01-Oct-2016 To 31-Oct-2016
 Bank : 003 - US BANK - GENERAL - MONEY GOES OUT

Seq : Cheque No. Status : All
 Medium : M=Manual C=Computer E=EFT-PA

Check #	Check Date	Vendor	Vendor Name	Status	Batch	Medium	Amount
Bank : 003 US BANK - GENERAL - MONEY GOES OUT							
00340-0001	25-Oct-2016	ORDOJ002	OREGON DEPT OF JUSTICE	Cleared	94	E	193.00
00340-0002	25-Oct-2016	ORPUB003	OREGON PUBLIC EMPLOYEES RETIREMENT	Cleared	94	E	9,117.10
00340-0003	25-Oct-2016	ORREV002	OREGON DEPARTMENT OF REVENUE	Issued	94	E	4,397.24
00340-0004	25-Oct-2016	OTEAM001	OREGON TEAMSTERS EMPLOYERS TRUST	Cleared	94	E	31,510.96
00340-0005	25-Oct-2016	UNITE002	UNITED STATES TREASURY PR TAX EFT	Cleared	94	E	16,613.56
Total Computer Paid :		439,420.82	Total EFT PAP :		93,337.90	Total Paid : 532,758.72	
Total Manually Paid :		0.00	Total EFT File :		0.00		

112 Total No. Of Cheque(s) ...

APPLICATION FOR COMMISSION or COMMITTEE

City of Talent

110 East Main Street/PO Box 445

Talent, OR 97540

PH (541) 535-1566 FAX (541) 535-7423

Web: www.cityoftalent.org E-mail: talent@cityoftalent.org

1. I am applying for an appointment to a position on the following commission, committee, board or other body:

⇒⇒⇒ Planning Commission ⇐⇐⇐

2. Name: Joi Riley

3. Mailing address: 1706 Lithia Way
City Talent State OR Zip 97540

4. Residence address (if different) _____
City _____ State _____ Zip _____

5. Current occupation: remodeling contractor, print & broadcast Journalist
(*NOTE* If retired or unemployed, state your general or past profession)

6. Phone number(s): Home: 541 535 4820 Work: _____ Cell: _____
Email: joi.geoff@gmail.com Fax: _____

7. How long have you lived in Talent?: 1993
If you do not know if you live inside the city limits or urban growth boundary, please view the official zoning map at City Hall

8. How long have you lived in Jackson County?: 1985

9. Are you an employee of the City of Talent, an occasional or potential contract employee, or have any other real or potential conflict of interest in working or serving in this capacity?
Yes _____ No X If yes, please describe: _____

10. I believe that I am qualified for and should be considered for the above position(s) and should be considered for the following reasons: (Attach additional sheet if necessary).

My ongoing involvement in civic affairs since 1993 gives me experience. But my passion for the future health and security of the City of Talent is the reason I believe that I am a solid choice for the position.

In addition to the basic duties as a planning commissioner I would be an active champion of public awareness and transparency.

11. Signature: Joi Riley Date: 9/1/16

ORDINANCE 16-930-O
AN ORDINANCE CODIFYING TOGETHER FOR TALENT COMMITTEE

WHEREAS the City Council of Talent, Oregon, desires to codify the creation of Together for Talent Committee in the Talent Municipal Code

THE CITY OF TALENT DOES ORDAIN AS FOLLOWS:

A new Chapter is hereby established to read as follows:

Section 1 [Together for Talent created]. There is hereby created an advisory committee to the Talent City Council to be known as the Together for Talent Committee. The primary purpose of the Together for Talent Committee shall be to make recommendations to the Talent City Council on matters pertaining to general sustainability of the City of Talent, including but not limited to: promoting sustainability; honoring the City's agricultural heritage; promoting gardening and increasing the tree canopy; utilizing integrated pest management practices and natural pollination; reducing waste generated by the community; preparing for the impacts of climate change; and generally improving the appearance and livability of the City. As used in this ordinance, "Sustainability" means the biologic sense of scientific methods that remain diverse and productive indefinitely, but also in the broader sense of preserving and **building community** ~~maintaining community resources~~. The Committee shall have the authority to adopt bylaws that govern the Committee's meetings and proceedings.

The Committee shall also perform such other related duties as may be assigned by the Council, which may include, but not be limited to, the following:

1. Assist in creating the City's Clean Energy Action Plan to reduce energy use and transition Talent to clean energy sources, such as solar; and perform periodic review of said Plan.
2. Review and work with the City Emergency Manager on the City Emergency Operations Plan, with special regard to coordinating volunteers from trained and informed groups such as Map Your Neighborhood and CERT (Community Emergency Response Team) with ~~emergency~~ personnel from Talent City **Police Department**, Jackson County Sheriff's Office and Jackson County ~~County~~ Fire District 5.
3. Compile data to assist City policy making in the preservation of designated heritage and significant trees; landscaping to support pollinators; reducing waste; and, in coordination with Parks and Recreation, organizing volunteers for maintenance work on trails and city parks.
4. Make recommendations to the City Council on potential revisions and future delivery of services by the City of Talent as pertains to sustainability.
5. Make recommendations to the City Council for modifications of or additions to existing ordinances, policies, and practices that help promote sustainability in the City of Talent.

6. Work in conjunction with other City commissions, boards, and committees to help ensure coordination of various elements of the Clean Energy Action Plan, sustainability programs, and other related activities.
7. Conduct public meetings and make recommendations to the City Council on sustainability issues and ordinances.
8. Make recommendations for capital improvements, programs, and policies that will help increase the use of renewable energy, decrease the use of energy, reduce waste, promote water conservation, and help our community prepare for the impacts of climate change.
9. Review and comment on fund-raising efforts and donations made on behalf of the City of Talent's Together for Talent Committee.
10. Foster public awareness and citizen volunteer involvement in all aspects of the City of Talent's Together for Talent Committee and subcommittees.
11. Develop a clean energy plan leading to a climate action plan to prepare Talent for the impacts of climate change and develop strategies and action plans to reduce greenhouse gases.
12. Review changes and additions planned for city parks and properties from the point of view of pollinators, and make appropriate suggestions for City policy.
13. In coordination with city departments, ensure that the city's Tree City, Bee City, and EPA Green Power Community designations are maintained.

Section 2 [Membership, Compensation]. The Together for Talent Committee shall consist of at least seven (7) and no more than eleven (11) members appointed by the Mayor and confirmed by the City Council. Two (2) members may live outside the Talent city limits. Committee members shall receive no compensation. **The Mayor shall appoint a Council Liaison member of the Committee,** but shall have no vote and shall not count toward a quorum.

Section 3 [Terms of Office, Vacancy]. Committee members shall be appointed for a period of two (2) years. A committee member's term of office shall expire on ~~the last business day in~~ **June 30th** of the second year. Any vacancy shall be filled by appointment by the Mayor, with the consent of the City Council, for the unexpired portion of the term.

Section 4 [Officers]. The Together for Talent Committee shall, at its first meeting of each new fiscal year beginning in July, elect from the Committee's members a Chair, Vice Chair, and Secretary.

Section 5 [Duties of Chair and Vice Chair]. The Chair shall preside at all meetings, set the agenda, **and appoint liaisons to community organizations** ~~recommend the creation of subcommittees, and approve members to each subcommittee,~~ as are authorized. The Vice Chair shall perform the duties of the Chair in the absence of the Chair, and such other duties as may be assigned by the Chair. The Chair or Vice Chair shall preserve the decorum at Committee meetings.

Section 6 [Minutes]. The Secretary shall keep an accurate record of all Together for Talent proceedings, including written minutes of all meetings. A copy of the approved minutes of each Together for Talent Committee meeting

shall be signed by the Chair and delivered to the City Recorder for filing, and said minutes shall be a public record and available for public inspection.

Section 7 [Quorum, Meetings, Rules and Procedures, Number of Meetings]. A simple majority of the total number of voting members of the Committee shall constitute a quorum **but no less than four**. A quorum is required in order for the Committee to conduct any business. The Committee shall adopt rules and procedures consistent with city ordinances and this resolution. The Committee meetings shall include at least one (1) regularly scheduled meeting per month, unless canceled at the direction of the Chair due to lack of Committee business or other good reason. Meetings may be run informally in accordance with Oregon laws, the latest edition of Roberts Rules of Order, and/or the Together for Talent Committee bylaws.

Section 8 [Alternate Members]. Not more than two (2) alternate members appointed by the Mayor with the consent of the City Council. Such members shall serve with no compensation for a term of two (2) years, which shall expire on the last business day of June of the second calendar year after appointment. The alternate members' primary function shall be to assist the Committee, as requested. In the case of prolonged absenteeism of more than three (3) sequential scheduled meetings of the Committee, the Mayor, with the consent of the Council, shall appoint one of alternate members to occupy the vacant position on a meeting-by-meeting basis. That alternate member, once in place as a full member of the Committee, shall have the same rights and voting privileges as the absent committee member and is required to attend meetings regularly.

Section 9 [Removal from Committee]. If a committee member or alternate should, without valid reason, miss three (3) regularly scheduled sequential Committee meetings within the same fiscal year (July 1 through June 30), that member shall be subject to removal from the Committee. In addition, a committee member may be removed for misconduct, by the City Council, following a public hearing. This process may be initiated by the City Council or by a recommendation from the Together for Talent Committee.

Section 10 [Committee members, the term of a committee member for which the committee member has been appointed by the Mayor]. A minimum of seven (7) and maximum of eleven (11) committee members shall be appointed by position number running from one to eleven, each for a 2-year term. Terms will overlap so that three committee members' terms expire on the last business day in June of the second calendar year after his or her appointment. Candidates for committee member will be designated by the numbers of the Committee seats which they seek; further, one candidate may only apply for one position at the time of a vacancy.

Section 11 [New Subcommittees]. A subcommittee may be added to the Together for Talent Committee after a written recommendation by an existing member is made prior to a scheduled meeting. Only at a scheduled meeting, with a quorum present, can a vote to add a subcommittee take place.

Section 12 [By Laws]. See attached ~~[to come once the ordinance is settled on].~~



Curtis Whipple
Chief of Police

CITY OF TALENT POLICE DEPARTMENT

PO Box 445
604 Talent Avenue,
Talent, Oregon 97540
541-535-1253
FAX 541-535-8259

TO: Tom Corrigan, City Manager
FROM: Chief Curtis Whipple
DATE: November 15, 2016
RE: Liquor License Background for Sweet Beet Station Inc.

The following report is regarding a liquor license application for the Sweet Beet Station Inc. located at 100 E. Main Street, Talent, OR.

Applicant:

Awna Zegzdryn

Information:

I reviewed the information provided by the applicant on the OLCC Liquor License Application dated 092016. A Computerized Criminal History check was conducted, as well as a check of local police contacts regarding the applicant.

No arrest information was located and no disqualifying information was found conducting a local police file check.

Upon reviewing the application, the only unusual information found was the outdoor seating for the restaurant which is noted as 16 seats. This would be applicable during fair weather, but would be less during inclement weather, however the seats are available.

No additional demands are anticipated for City services.

A handwritten signature in black ink, appearing to be "C. Whipple", written over a horizontal line.

Curtis Whipple
Chief of Police
Talent Police Department

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



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: AW

Date: 11-10-16

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① Awna Zegzdryn Sweet Beet Station Inc. ③
② _____ ④ _____

2. Trade Name (dba): Sweet Beet Station

3. Business Location: 100 E. Main St. Talent, OR 97540
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: _____
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-261-5783
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: Clea Arthur Type of License: Limited on-premises sales + off-premise

8. Former Business Name: Cantina Vida

9. Will you have a manager? Yes No Name: Awna Zegzdryn
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Talent, OR
(name of city or county)

11. Contact person for this application: _____
(me) (phone number(s))

(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date 9/20/16 ③
② _____ Date _____ ④

RECEIVED

NOV 01 2016

MEDFORD REGIONAL OFFICE
OREGON LIQUOR CONTROL COMMISSION (rev. 08/2011)



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY

1. Trade Name Sweet Beet Station 2. City Talent, OR
3. Name Zegzdryn, Awna Marie
 (Last) (First) (Middle)
4. Other names used (maiden, other) _____
5. *SSN _____ Place of Birth _____ 7. DOB _____ 3. Sex M F
 (State or Country) (mm) (dd) (yyyy)

***SOCIAL SECURITY NUMBER DISCLOSURE:** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a). If you consent to these uses, please sign here:

Applicant Signature: _____

9. Driver License or State ID # _____ 10. State _____
11. Residence Address 11 _____
 (number and street) (city) (state) (zip code)
12. Mailing Address (if different) _____
 (number and street) (city) (state) (zip code)
13. Contact Phone _____ 14. E-Mail address (optional) _____

15. Do you have a spouse or domestic partner? Yes No
 If yes, list his/her full name: _____

16. If yes to #15, will this person work at or be involved in the operation or management of the business?
 Yes No

17. List all states, other than Oregon, where you have lived during the past ten years:
NA

18. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?
 Yes No Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

19. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony? Yes No Unsure
 If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

20. Trade Name Sweet Beet Station

21. City Talent, OR

22. Do you have any arrests or citations that have not been resolved? Yes No Unsure
If yes or unsure, explain here or include the information on a separate sheet.

23. Have you ever been in a drug or alcohol **diversion program** in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.) Yes No Unsure
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

24. Do you, or any legal entity that you are a part of, **currently hold** or **have previously held** a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.) Yes No Unsure
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

25. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate **denied or cancelled** by the OLCC or any other governmental agency in the US?
 Yes No Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

Questions 26 and 27 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license. If you are not applying for one of those licenses, mark "N/A" on Questions 26 & 27.

26. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol? N/A Yes No Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

27. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?
 N/A Yes No Unsure If yes or unsure, explain:

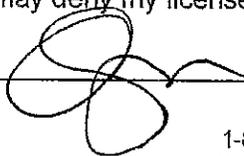
Question 28 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license. If you are not applying for one of those licenses, mark "N/A" on Question 28.

28. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon? N/A Yes No Unsure If yes or unsure, explain:

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form).

I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: _____



Date: 9/20/16



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Awna Zegzdryn Phone: 541-261-5783

Trade Name (dba): Sweet Beet Station

Business Location Address: 100 E. Main

City: Talent ZIP Code: 97540

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	<u>8</u>	to	<u>8</u>
Monday	<u>X</u>	to	<u>X</u>
Tuesday	<u>X</u>	to	<u>X</u>
Wednesday	<u>8</u>	to	<u>8</u>
Thursday	<u>8</u>	to	<u>8</u>
Friday	<u>8</u>	to	<u>8</u>
Saturday	<u>8</u>	to	<u>8</u>

Outdoor Area Hours:

Sunday	<u>8</u>	to	<u>8</u>
Monday	<u>X</u>	to	<u>X</u>
Tuesday	<u>X</u>	to	<u>X</u>
Wednesday	<u>8</u>	to	<u>8</u>
Thursday	<u>8</u>	to	<u>8</u>
Friday	<u>8</u>	to	<u>8</u>
Saturday	<u>8</u>	to	<u>8</u>

The outdoor area is used for:

Food service Hours: 8 to 8

Alcohol service Hours: 8 to 8

Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: open April - Oct 6 days/week
TUES - SUN (closed Monday)

ENTERTAINMENT

Check all that apply:

- | | |
|--|---|
| <input type="checkbox"/> Live Music | <input type="checkbox"/> Karaoke |
| <input type="checkbox"/> Related Music | <input type="checkbox"/> Coin-operated Games |
| <input type="checkbox"/> DJ | <input type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing | <input type="checkbox"/> Social Gaming |
| <input type="checkbox"/> Nude Entertainers | <input type="checkbox"/> Pool Tables |
| | <input type="checkbox"/> Other: _____ |

DAYS & HOURS OF LIVE OR DJ MUSIC

NA

Sunday	_____ to _____
Monday	_____ to _____
Tuesday	_____ to _____
Wednesday	_____ to _____
Thursday	_____ to _____
Friday	_____ to _____
Saturday	_____ to _____

SEATING COUNT

Restaurant: 15 Outdoor: 16

Lounge: _____ Other (explain): _____

Banquet: _____ total seating

OLCC USE ONLY	
Investigator Verified Seating: _____(Y) _____(N)	
Investigator Initials: _____	
Date: _____	

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 9/20/16

1-800-452-OLCC (6522)

www.oregon.gov/olcc



Council Agenda Report

Meeting Date:
Department:

November 16, 2016
Admin

Primary Staff Contact: Tom Corrigan
E-Mail: TCorrigan@CityofTalent.org

[Handwritten signature]
11/10/16

ISSUE BEFORE THE COUNCIL

Pursuant to Council directive, Staff is bringing forward an Ordinance relative to Franchise Fee Agreements.

BACKGROUND

Each utility or service provider that uses City Right-of-Ways to further their operations must have a Franchise Fee Agreement that outlines what they can use, how they go about increasing or decreasing their use, how they insurance us against damage, etc. A typical franchise is Pacific Power that runs power poles and lines in our ROW and pays us a 5% fee of operations inside City limits to do it.

However, there are many different franchise agreements and they tend to have their own language, insurance coverage, expiration dates, and structure. Just keeping it straight who does what is difficult. Recently some of the cities in the Valley have gone to the League of Cities version which is to have a “mother” ordinance and then handle each franchise agreement by resolution. This allows for specific details of each utility to be separate while keeping City requirements consistent.

Current franchisees include –

Pacific Power
Avista
Charter
Hunter Communications
Recology
Ring Central
Preferred Long Distance
Talent City Water

Staff would also like Council to consider adding a section for Rogue Valley Sewer Service that was recently deemed “franchisable” by the Oregon Supreme Court and is now being assessed a fee by 5 other cities in the Valley to date.

As Staff brings back the individual resolutions to Council we can discuss fee percentages. IE. Pacific Power has not changed their fee in 20 years.

STAFF RECOMMENDATION – Adoption of mother Ordinance.

POTENTIAL MOTIONS - I move to adopt Ordinance #16-931-O and direct Staff to bring back individual resolutions for each utility.

ORDINANCE NO. 16-931-O_____

AN ORDINANCE OF THE CITY OF TALENT, OREGON, LICENSING AND REGULATING TELECOMMUNICATIONS, CABLE AND UTILITY SERVICES AND FACILITIES WITHIN THE CITY AND PROVIDING TERMS FOR THE USE AND OCCUPATION OF THE PUBLIC RIGHT OF WAY

Recitals:

A. Chapter 12.40 governs the use, occupation, construction and safety of Telecommunications Carriers, Cable Operators, ~~and~~ Utility Providers **and the general public** using City rights-of-way. The City has jurisdiction and exercises regulatory management authority over all City Rights of Way pursuant to the City Charter and Federal and State law. The City's purpose for exerting its management authority over the Public Rights of Way is to protect and efficiently manage the public's resources, to promote the advancement of technology to its citizens, to encourage business growth, and to ensure fair and non-discriminatory access to the Right of Way

B. Chapter 12.40 and the City Charter and State and federal law provide for the right of the city to collect reasonable fees for use of the rights of way, which are a public asset and must be managed for the public good. The City Charter and State law also provide the City with authority to charge reasonable fees for the privilege of doing business within the City. The City provides the critical infrastructure and develops resources that benefit private industry conducted within the City's jurisdiction.

C. The City of Talent desires to set forth uniform standards and fees for the use, occupancy of the right of way for any Telecommunications Carriers, Cable Operators, ~~and~~ Utility Providers **or general public located-working** within the city's right-of-way or doing business within the City; and

D. To ensure that the City can effectively manage its rights of way and enforce its safety and construction standards, the City desires to establish a uniform registration and application process for all Telecommunications Carriers, Cable Operators and Utility Providers providing facilities or services within the City; and

E. The City desires to establish reasonable and fair compensation for the use of the right of way and for the privilege of doing business within the City regardless of whether such entity has entered into a franchise agreement with the City.

THE PEOPLE OF THE CITY OF TALENT DO ORDAIN AS FOLLOWS:

SECTION 1. This Ordinance shall be referred to as the Telecommunications, Cable, and Utility Licensing Ordinance.

Chapter 12.40
TELECOMMUNICATIONS, CABLE, AND UTILITY LICENSING ORDINANCE

Sections:

- [12.40.010](#) Purpose and intent.
- [12.40.020](#) Definitions.
- [12.40.030](#) Registration.
- [12.40.040](#) Construction standards.
- [12.40.050](#) Location of Facilities.
- [12.40.060](#) Franchise Agreements.
- [12.40.070](#) General franchise terms.
- [12.40.075](#) License Fee.
- [12.40.080](#) General provisions.

12.40.010 Purpose and intent.

A. Purpose. The purpose and intent of this chapter is to:

1. Secure fair and reasonable compensation to the city and its residents for permitting private use of the public right-of-way;
2. Assure that all Telecommunications Carriers, Cable Operators and Utility Providers providing facilities within the public right-of-way and/or services within the city, or passing through the city, register and comply with the ordinances, rules and regulations of the city;
3. Assure that the city's current and ongoing costs of granting and regulating private access to and the use of the public rights-of-way are compensated by the persons seeking such access and causing such costs;
4. Assure that the city can continue to fairly and responsibly protect the public health, safety and welfare of its citizens;
5. Enable the city to discharge its public trust consistent with the rapidly evolving federal and state regulatory policies, industry competition and technological development.
6. Comply with the provisions of federal and state law as they apply to local governments, Telecommunications Carriers, Cable Operators and Utility Providers, and the services those entities offer.
7. Encourage the provision of advanced and competitive telecommunications services on the widest possible basis to businesses, institutions and residents of the city;
8. Permit and manage reasonable access to the public rights-of-way and conserve the limited physical capacity of those public rights-of-way held in trust by the city;

B. Jurisdiction and Management of the Public Rights-of-Way.

1. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the city charter and state law.
2. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way and whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
3. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises and permits and through the provisions of this ordinance.
4. The exercise of jurisdiction and regulatory management over each public right-of-way by the city is not official acceptance of the right-of-way and does not obligate the city to maintain or repair any part of the right-of-way.
5. The city retains the right and privilege to cut or move any ~~Facilities~~ facilities located within the public rights-of-way of the city, as the city may determine to be necessary, appropriate or useful in response to a public health or safety emergency or for the public good.

C. Regulatory Fees and Compensation not a Tax.

1. The fees and costs provided for in this chapter, and any compensation charged and paid for use of the public rights-of-way provided for in this chapter, are separate from and in addition to any and all federal, state, local, and city charges as may be levied, imposed, or due from a Telecommunications Carrier, Cable Operator or Utility Provider, its customers or subscribers or on account of the lease, sale, delivery, or transmission of services.
2. The city has determined that any fee provided for by this chapter is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees are not a tax imposed on property or property owners but are imposed as a charge for the private use of the City's public right of way, which is a publicly owned asset as well as for the privilege of doing business within the City.
3. The fees and costs provided for in this chapter are subject to applicable federal and state laws.

12.40.020 Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined herein shall be given the meaning set forth in the Communications Policy Act of 1984, the Cable Television Consumer Protection

and Competition Act of 1992, and the Telecommunications Act of 1996. If not defined there, the words shall be given their common and ordinary meaning.

Aboveground Facilities. See “Overhead facilities.”

“Cable Act” means the Cable Communications Policy Act of 1884, 47 U.S.C. subsection 521, et seq., as now and hereafter amended.

“Cable Operator” means any person or group of persons who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or who otherwise controls or is responsible for the management and operation of such a cable system.

“Cable Service” is to be defined consistent with federal laws and means the one-way transmission to subscribers of video programming, or other programming service and subscriber interaction, if any, required for the selection or use of such video programming or other programming service.

“City” means the City of Talent, an Oregon municipal corporation, and individuals authorized to act on the City’s behalf.

“City Council” means the elected governing body of the City of Talent, Oregon.

“City Property” means and includes all real property owned by the city, other than public rights-of-way and utility easements as those are defined herein, and all property held in a proprietary capacity by the City, which are not subject to right-of-way franchising as provided in this chapter.

“Conduit” means any structure or portion thereof containing one or more ducts, conduits, fibers, manholes, or other facilities used for any telegraph, telephone, cable television, fiber, electrical, or communications conductors, or cable right-of-way.

“Construction” means any activity in the public rights-of-way resulting in physical change thereto, including but not limited to excavation, placement, or repair of structures.

“Control” or “controlling interest” means actual working control in whatever manner exercised.

“Days” means calendar days unless otherwise specified.

“Duct” means a single enclosed raceway for conductors or cable.

“Emergency” has the meaning provided for in ORS [401.025](#).

“Facilities” means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located under, on, or above

the surface of the ground within the public right-of-way of the city and used or to be used for the purpose of providing Utility Services, Cable Services, and Telecommunication Services.

“Federal Communication Commission” or “FCC” means the federal administrative agency, or its lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

“Franchise” means an agreement between the city and a grantee which grants a non-exclusive privilege to use public right-of-way within the city for a dedicated purpose and for specific compensation.

“Grantee” means the person to whom a franchise is granted by the city.

“Oregon Public Utilities Commission” or “OPUC” means the statutorily created state agency in the state of Oregon responsible for licensing, regulation and administration of certain telecommunications carriers as set forth in Oregon Law, or its lawful successor.

“Overhead or aboveground facilities” means ~~Facilities~~ facilities above the surface of the ground, including the underground supports and foundations for such facilities.

“Person” means an individual, corporation, company, association, joint stock company or association, firm, partnership, or limited liability company.

“Private telecommunications network” means a system, including the construction, maintenance or operation of the system, for the provision of a telecommunication service which is owned or operated exclusively by a person for their own use and not for resale, directly or indirectly. “Private telecommunications network” includes services provided by the state of Oregon pursuant to ORS [190.240](#) and [283.140](#).

“Public rights-of-way” or “right of way” means the streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and all other public ways or areas used for transport, including the subsurface under and air space over these areas. This definition applies only to the extent of the city’s right, title, interest or authority to grant a franchise to occupy and use such areas for ~~Facilities~~ facilities. “Public rights-of-way” shall also include utility easements as defined below.

“State” means the state of Oregon.

“Telecommunications Act” means the Communications Policy Act of 1934, as amended by subsequent enactments including the Telecommunications Act of 1996 (47 U.S.C. subsection 151 et seq.) and as hereafter amended.

“Telecommunications Carrier” means any provider of Telecommunications Services who directly or indirectly owns, controls, operates or manages ~~Facilities~~ facilities within the city.

“Telecommunications Service” means transmission for rent, sale, or lease or in exchange for other value received, of information in electromagnetic frequency, or electronic or optical

form, including but not limited to internet, voice, video or data, whether or not the transmission medium is owned by the provider itself, and whether or not the transmission medium is wireline or wireless. Telecommunications Service includes all forms of telephone services and voice, data and video transport, but does not include: 1) cable service; 2) OVS service; 3) private telecommunication networks; 4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; and 5) direct-to-home satellite service within the meaning of the Telecommunications Act of 1996.

“Utility Provider” means any public, private, cooperative, special district or other entity formed for the purpose of providing electric, gas, steam heat, water, wastewater treatment and disposal service.

“Utility Easement” means any easement granted to or owned by the city and acquired, established, dedicated or devoted for public utility purposes.

12.40.030 Registration.

A. Purpose. The purpose of registration is:

1. To assure that all Telecommunications Carriers, Cable Operators and Utility Providers who have facilities within the public rights-of-way and/or provide Telecommunications, Cable, or Utility services within the city comply with the ordinances, rules and regulations of the city;
2. To provide the city with accurate and current information concerning the Telecommunications Carriers, Cable Operators and/or Utility Providers who offer to provide services within the city, or who own or operate such facilities within the city;
3. To assist the city in the enforcement of this chapter and the collection of any city fees or charges that may be due the city.

B. Registration Required. Except as provided in subsection D of this section, all Telecommunications Carriers, Cable Operators and/or Utility Providers having Facilities within the corporate limits of the city, and other such entities that offer or provide such services to customer or corporate premises within the city, shall register. Providing a current application and license from: (a) the Oregon Public Utility Commission (PUC); or (b) the Federal Communications Commission (FCC), where applicable, qualifies as necessary registration information if such application or license contains, at minimum, the below information. Registrants shall prove the following information:

1. The identity and legal status of the registrant, including the name, address, and telephone number of the duly authorized officer, agent, or employee responsible for the accuracy of the registration information;

2. The name, address, and telephone number for the duly authorized officer, agent or employee to be contacted in the case of emergency;

3. A description of the registrant's existing or proposed facilities within the city, a description of the facilities that the registrant intends to construct, and a description of the service that the registrant intends to offer or provide to persons, firms, businesses, or institutions within the city;

4. Information sufficient to determine whether the transmission, origination or receipt of the services provided, or to be provided by the registrant constitutes an occupation or privilege subject to any applicable business license requirements. A copy of the business license or the license number must be provided.

C. Registration Fee. Each application for registration shall be accompanied by a nonrefundable registration fee in an amount to be determined by resolution of the city council. Such fee is designed to defray the costs of City administration of this section.

D. Exceptions to Registration. The following Telecommunications Carriers, Cable Operators and/or Utility Providers are exempted from registration:

1. Telecommunication Carriers, including internet service providers, Cable Operators and/or Utility Providers that are owned and operated exclusively for its own use by the state or a political subdivision of this state;

2. A private telecommunications network, provided that such network does not occupy any public rights-of-way of the city.

12.40.040 Construction standards.

A. General. No person shall commence or continue with the construction, installation or operation of ~~Facilities-facilities~~ within a public right-of-way except as provided in subsections D through O of this section and Section [12.40.050](#), and in compliance with all applicable codes, rules, and regulations.

B. Construction Codes. Facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations including the National Electrical Code and the National Electrical Safety Code.

C. Construction Permits. No person shall construct or install any ~~Facilities-facilities~~ within the ~~city-City~~ without first obtaining a construction permit, and paying the construction permit fee established in subsection G of this section. No permit shall be issued for the construction or installation of ~~Facilities-facilities~~ unless:

1. The Telecommunications Carrier, Cable Operator or Utility Provider has first filed a registration statement with the city pursuant to Section [12.40.030](#); and if applicable;

2. The Telecommunications Carrier, Cable Operator or Utility Provider has satisfied the requirements of applicable City of Talent ordinances, including the Franchise Agreement requirements.

D. Permit Applications. Applications for permits to construct Facilities within the public right-of-way shall be submitted upon forms to be provided by the city and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

1. That the Facilities will be constructed in accordance with all applicable codes, rules and regulations;
2. That the Facilities will be constructed in accordance with the franchise agreement, if any;
3. The location and route of all Facilities to be installed aboveground or on existing utility poles;
4. The location and route of all new Facilities on or in the public rights-of-way to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the public rights-of-way. Existing facilities shall be differentiated on the plans from new construction;
5. The location of all of applicant's existing underground utilities, conduits, ducts, pipes, mains and installations which are within the public rights-of-way along the underground route proposed by the applicant. A cross-section shall be provided showing new or existing facilities in relation to the street, curb, sidewalk or right-of-way;
6. The construction methods to be employed for protection of existing structures, fixtures and facilities within or adjacent to the public rights-of-way, and description of any proposal to temporarily or permanently remove or relocate.

E. Applicant's Verification. All permit applications shall be accompanied by the verification of a registered professional engineer, or other qualified and duly authorized representative of the applicant, that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.

F. Construction Schedule. All permit applications shall be accompanied by a written construction schedule, which shall include a timeline for completion of construction. The construction schedule is subject to approval by the ~~planning, building~~Community Development and ~~public-works~~Works departments.

G. Construction Permit Fee. Unless otherwise provided in a franchise agreement, prior to issuance of a construction permit, the applicant shall pay a permit fee in an amount to be determined by resolution of the city council. Such fees shall be designed to defray the costs of city administration of the requirements of this chapter.

H. Issuance of Permit. If satisfied that the applications, plans and documents submitted comply with all requirements of this chapter and the franchise agreement, the ~~planning, building~~Community Development Department and ~~public~~Public works~~Works~~ departments shall issue a permit authorizing construction of the facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as they deem necessary or appropriate.

I. Notice of Construction. Except in the case of an emergency, the permittee shall notify the public works department not less than two working days in advance of any excavation or construction in the public rights-of-way. Utility locates by the Oregon Utility Notification Center shall be completed prior to notification of the public works department.

J. Compliance with Permit. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The planning, building and public works departments and their representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements.

K. Noncomplying Work. Subject to the notice requirements in subsection D of Section 12.40.050, all work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this chapter, shall be removed at the sole expense of the permittee. The ~~city~~City is authorized to stop work in order to assure compliance with the provisions of this chapter.

L. Completion of Construction. The permittee shall promptly complete all construction activities so as to minimize disruption of the city's rights-of-way and other public and private property. All construction work within city rights-of-way, including restoration, must be completed within one hundred twenty (120) days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved by the appropriate city official as contemplated by subsection F of this section.

M. As-Built Drawings. If requested by the ~~city~~City, the permittee shall furnish the city with two complete sets of plans drawn to scale and certified to the city as accurately depicting the location of all ~~Facilities~~facilities pursuant to the permit. These plans shall be submitted to the public works director or designee within sixty days after completion of construction, in a format acceptable to the City both electronically and in hard copy.

N. Restoration of Public Rights-of-Way and City Property.

1. When a permittee, or any person acting on its behalf, does any work in or affecting any public rights-of-way or city property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property to good order and condition unless otherwise directed by the city and as determined by the public works director.

2. If weather or other conditions do not permit the complete restoration required by this subsection N, the permittee shall temporarily restore the affected rights-of-way or property.

Such temporary restoration shall be at the permittee's sole expense and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule may be subject to approval by the city.

3. If the permittee fails to restore rights-of-way or city property in good condition, the city shall give the permittee written notice and provide permittee a reasonable period of time not exceeding thirty (30) days to restore the rights-of-way or property. If, after said notice, the permittee fails to restore the rights-of-way or property to as good a condition as existed before the work was undertaken, the city shall cause such restoration to be made at the expense of the permittee.

4. A permittee or other acting in its behalf shall provide a traffic control plan using suitable barricades, flags, flagging attendants, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such rights-of-way or property.

O. Performance and Completion Bond. Unless otherwise provided in a franchise agreement, a performance bond or other form of surety acceptable to the city equal to at least one hundred (120%) percent of the estimated cost of constructing permittee's Facilities within the public rights-of-way of the city shall be provided before construction is commenced.

1. The surety shall remain in force for one year after substantial completion of the work, as determined in writing by the city, including restoration of public rights-of-way and other property affected by the construction.

2. The surety shall guarantee to the satisfaction of the city:

a. Timely completion of construction;

b. Construction is in compliance with applicable plans, permits, technical codes and standards;

c. Proper location of the facilities as specified by the city;

d. Restoration of the public rights-of-way and other property affected by the construction; and

e. Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.

12.40.050 Location of Facilities.

A. Location of Facilities. Placement of Facilities within the city's public right-of-way shall be subject to zoning code, Title 17the City's Subdivision and Zoning Code. All facilities located within the public right-of-way shall be constructed, installed and located in accordance with the following terms and conditions:

1. Whenever all new or existing Facilities are located or relocated underground within a public right-of-way of the city, a Telecommunications Carrier, Cable Operator or Utility Provider with permission to occupy the same public right-of-way must also locate its Facilities underground.

2. Whenever all new or existing Facilities are located or relocated underground within a public right-of-way of the city, a Telecommunications Carrier, Cable Operator or Utility Provider that currently occupies the same public right-of-way shall relocate its ~~Facilities~~ facilities underground unless such relocation causes an undue hardship, which shall be determined solely by the ~~city~~ City and consistent with applicable state and federal law.

B. Interference with the Public Rights-of-Way. No Telecommunications Carrier, Cable Operator or Utility Provider may locate or maintain its ~~Facilities~~ facilities within the ~~city's~~ City's public right-of-way so as to unreasonably interfere with the use of the public rights-of-way by the city, by the general public or by other persons authorized to use or be present in or upon the public rights-of-way. All use of public rights-of-way shall be consistent with city codes, ordinances and regulations.

C. Relocation or Removal of Facilities. Except in the case of an emergency, within ~~ninety (90)~~ one-hundred eighty (180) days following the written notice by the ~~city~~ City, a Telecommunication Provider, Cable Provider or Utility Provider shall, at no expense to city, temporarily or permanently remove, relocate, change or alter the position of any Facilities within the public rights-of-way if the city determines that such removal, relocation, change or alteration is reasonably necessary for:

1. The construction, repair, maintenance or installation of any city or other public improvement in or upon the public rights-of-way;
2. The operations of the city or other governmental entity in or upon the public rights-of-way;
3. The public interest.

D. Removal of Unauthorized Facilities. Within thirty (30) days following written notice from the ~~city~~ City, any Telecommunications Carrier, Cable Operator, Utility Provider or other person who owns, controls or maintains any unauthorized ~~Facility~~ facility or related appurtenances within the public rights-of-way of the city shall, at its own expense, remove such Facilities and/or appurtenances from the public rights-of-way of the city. A ~~Facility~~ facility is unauthorized and subject to removal in the following circumstances:

1. One year after the expiration or termination of the grantee's franchise unless the City and the grantee are actively and in good faith negotiating a new franchise;
2. Upon abandonment of a Facility within the public rights-of-way of the city. A Facility will be considered abandoned when it is deactivated, out of service, or not used for its intended and authorized purpose for a period of one year or longer. A Facility will not be

considered abandoned if it is temporarily out of service during performance of repairs or if the Facility is being replaced;

3. If the system or Facility was constructed or installed without the appropriate prior authority at the time of installation;

4. If the system or Facility was constructed or installed at a location not permitted by the franchise or other legally sufficient permit.

E. Coordination of Construction Activities. All ~~Telecommunications Carriers, Cable Operators and Utility Providers~~ permit grantees are required to make a good faith effort to cooperate with each other and the city regarding construction, scheduling, and coordination.

1. By January 1st of each year, Telecommunications Carrier, Cable Operator or Utility Provider shall provide the city with a schedule of their proposed construction activities that may affect the public rights-of-way.

2. If requested by the city, each Telecommunications Carrier, Cable Operator or Utility Provider shall meet with the city, to schedule and coordinate construction in the public rights-of-way. At that time, the city will provide available information on plans for local, state, and/or federal construction projects.

3. All construction locations, activities and schedules shall be coordinated, as ordered by the public works director or designee, to minimize public inconvenience, disruption or damages.

12.40.060 Franchise Application and Franchise Agreement.

A. Registration, Franchise Application, and Franchise Agreement Required. Prior to occupying City Rights of Way, all Telecommunications Carriers, Cable Operators and Utility Providers shall first register with the City pursuant to Section 12.040.030, shall file a Franchise Application with the City pursuant to Section B below, and shall enter into a Franchise Agreement with the City. Any Telecommunications Carrier, Cable Operator or Utility Provider occupying the Public Rights of Way without a Franchise Agreement as of the effective date of this Ordinance shall file a Franchise Application pursuant to this Section within forty-five (45) Days of the effective date of this Ordinance.

B. Ordinance. Any Person whose ~~Facilities~~ facilities occupy the Public Right of Way or who provides Telecommunication, Cable, or Utility Services within the City, with or without a valid Franchise Agreement from the City, must comply with all provisions of this Ordinance, specifically including payment of the License Fee pursuant to Section 12.040.075.

C. Application and Review Fee.

1. Subject to applicable federal and state law, applicant shall reimburse the city for such reasonable costs as the city incurs in reviewing the Franchise applications and entering into the franchise agreement.

2. An application and review fee, set by City Council resolution, shall be deposited with the ~~city~~ City as part of the application filed pursuant to subsection B of this section. Expenses exceeding the deposit will be billed to the applicant or the unused portion of the deposit will be returned to the applicant following the determination granting or denying the franchise. Additional Community Development and building, ~~public~~ Public works ~~Works and planning department~~ fees may be assessed pursuant to City ordinances.

D. Determination by the City. The city shall issue a written determination granting or denying the application in whole or part. If the application is denied, the written determination shall include the reasons for denial.

E. Effect of Ordinance on Franchise Agreements; Limited Grant. A Franchise Agreement granted hereunder shall at all times comply with the requirements of this Ordinance unless this Ordinance expressly authorizes different Franchise Agreement terms. In this Ordinance, such authorization is indicated by the introductory phrase, “Unless otherwise specified in a valid, unexpired Franchise Agreement...”. In the event of an express conflict between this Ordinance and a Franchise Agreement containing unauthorized, conflicting terms, this Ordinance shall prevail. No franchise granted pursuant to this chapter shall convey any right, title or interest in the public rights-of-way, but shall be deemed a grant to use and occupy the public rights-of-way for a limited purpose and term and upon the conditions stated in the franchise agreement.

F. Term of Grant. Unless otherwise specified in a franchise agreement, a franchise granted hereunder shall be in effect for a term of five years.

G. Franchise Territory. Unless otherwise specified in a franchise agreement, a franchise granted hereunder shall be limited to a specific geographic area of the city to be served by the franchise grantee, and the public rights-of-way necessary to serve such areas, and may include the entire city.

H. Franchise Fee and License Fee.

1. A Franchise Agreement granted hereunder shall require the grantee to pay a Franchise Fee in an amount determined by resolution of the City Council.
2. Every Telecommunications Carrier, Cable Operator, or Utility Provider occupying or using the Public Rights of Way without a Franchise Agreement or providing its services within the City, whether or not it owns the Facilities used to provide its services, shall pay a Right of Way Use Fee in the amount of the Franchise Fee determined by resolution of the City Council.
3. Unless otherwise specified in a Franchise Agreement, the Franchise fees required by this Section shall be paid within thirty (30) Days after the end of each calendar quarter. Each payment shall be accompanied by an accounting of gross revenues and a calculation of the amount payable. The Franchisee shall pay interest at the rate of nine percent (9%) per year for any payment made after the due date.
4. The Franchise Fee or Right of Way use fee required in this Section remains subject to all applicable limitations imposed by federal or State statutes.

I. Amendment of Grant. Conditions for amending a franchise. A new application and grant shall be required of any Telecommunications Carrier, Cable Operator or Utility Provider that desires to extend or locate its Facilities in public rights-of-way of the city into areas which are not included in a previous franchise, or to provide a service not included in a previous franchise.

J. Renewal Applications. A grantee that desires to renew its franchise under this chapter shall, not less than one hundred eighty (180) days before expiration of the current agreement, file a renewal application with the ~~city~~ City which shall include the following information:

1. The information required pursuant to subsection B of this section;
2. Any information required pursuant to the franchise agreement between the city and the grantee.

K. Renewal Determinations. Within ninety (90) days after receiving a complete application under subsection J of this section, the ~~city~~ City shall issue a written determination granting or denying the renewal application in whole or in part and considering the factors below. If the renewal application is denied, the written determination shall include the reasons for nonrenewal.

1. The financial and technical ability of the applicant;
2. The legal ability of the applicant;
3. The continuing capacity of the public rights-of-way to accommodate the applicant's existing and proposed facilities;
4. The applicant's compliance with the requirements of this chapter and the franchise agreement;
5. Applicable federal, state and local laws, rules and policies;
6. Such other factors as may demonstrate that the continued grant to use the public rights-of-way will serve the community interest;

L. Obligation to Cure as a Condition of Renewal. No franchise shall be renewed until any ongoing violations, breaches, or defaults in the grantee's performance of the franchise agreement, of the requirements of this chapter, or if any City contract regarding the Right of Way or city property have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the city.

M. Assignments or Transfers of Franchise. A Franchise granted under this Ordinance may not be directly or indirectly transferred, assigned or disposed of by sale, lease, merger, consolidation or by other act of the Franchisee, by operation of law or otherwise, without the prior written consent of the City. City consent conditions may include:

1. The Franchisee and the proposed assignee or transferee of the Franchise shall agree in writing to assume and abide by all of the provisions of the Franchise Agreement and this Ordinance.
2. No transfer shall be approved unless the City determines the assignee or transferee has the legal, technical and financial ability to comply with the provisions of this Ordinance and applicable Federal, State and local laws, rules, regulations.
3. Unless otherwise specified in an unexpired, valid Franchise Agreement, the Franchisee shall reimburse the City for all direct and indirect fees, costs, and expenses reasonably incurred by the City in considering a request to transfer or assign a Franchise.
4. Any transfer or assignment of a Franchise or of a system or integral part of a system without prior City approval or without a valid Franchise Agreement shall be void and is cause for revocation of the Franchise.

N. Revocation or Non-Renewal, Franchise. A franchise to use or occupy public rights-of-way of the city may be revoked or not renewed for the following reasons:

1. Construction or operation in the city or in the public rights-of-way of the city without a construction permit;
2. Construction or operation at an unauthorized location;
3. Failure to comply with subsection M of this section with respect to sale, transfer or assignment of a system or franchise;
4. Misrepresentation by or on behalf of a registrant or grantee in any application to the city;
5. Abandonment of Facilities in the public rights-of-way;
6. Failure to relocate or remove facilities as required in this chapter;
7. Failure to pay taxes, compensation, fees or costs when and as due the city under this chapter;
8. Insolvency or bankruptcy of the grantee;
9. Violation of material provisions of this chapter;
10. Violation of the material terms of a franchise agreement.

O. Notice and Duty to Cure. In the event that the city believes that grounds exist for revocation or non-renewal of a franchise, the city shall give the grantee written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time, not exceeding thirty (30) days, to:

1. Provide evidence that corrective action has been taken, or good faith and active efforts to expeditiously remedy the violation or noncompliance are taking place; and/or

2. Request a public hearing before the ~~city~~City council~~Council~~ to rebut the alleged violation or noncompliance; provided that the parties are prohibited from engaging in ex parte communications with the members of the city council, and/or

3. Present evidence to the City Manager that revocation or non-renewal is not warranted or that it would be in the public interest to impose some penalty or sanction less than revocation or non-renewal.

P. Public Hearing. Upon receipt of the grantee's request on a hearing, or in the event no response is received within thirty (30) days of the date of receipt of the notice, the City Manager shall affirm or amend his or her decision and, if affirmed, shall refer the decision to the ~~city~~City council~~Council~~. The city manager shall fix a time and place for the ~~council~~Council to hear the matter, and shall give the grantee fifteen days' written notice of the time and place of the hearing before the city council.

1. The parties shall be entitled to appear personally and by counsel and to present such facts as may tend to support the respective positions.

2. The city council shall afford the parties an opportunity to be heard. The city council may either ratify the City Manager's decision or may remand it back to the City Manager for further consideration. The city council shall at a minimum:

a. At the commencement of the hearing, discuss the relevant issues and the applicable procedures;

b. At the commencement of the hearing, place on the record the substance of any written or oral communications with Council members concerning any relevant and material facts in issue at the hearing. The parties shall be notified of the substance of the communication and shall have the opportunity to rebut the communication.

d. Ensure that the record developed at the hearing shows a full and fair inquiry into the relevant and material facts.

e. Allows written testimony to be submitted under penalty of false swearing for entry into the record. All written evidence shall be filed with the City recorder no less than (5) five working days before the date of the hearing.

f. Hear and consider records and facts presented which pertain to the alleged violation or nonconformance. The city council may limit the length of the hearing to any duration it deems reasonable.

Q. Standards for Revocation, Non-Renewal or Lesser Sanctions. If persuaded that the grantee has violated or failed to comply with the material provisions of this chapter, or of a franchise agreement, the city council shall determine whether to revoke or not renew the franchise or to whether to establish some lesser sanction and cure. The city council shall consider the nature,

circumstances, extent, and gravity of the violation, specifically including but not limited to whether:

1. The misconduct was egregious;
2. Substantial harm resulted;
3. The violation was intentional;
4. There is a history of prior violations of the same or other requirements;
5. There is a history of overall compliance;
6. The violation was voluntarily disclosed, admitted or cured.
7. The findings of the city council shall be final and conclusive, and shall be served upon the grantee in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

R. Other City Costs. All grantees shall, within thirty (30) days after written demand therefor, reimburse the city for all reasonable direct and indirect costs and expenses incurred by the city in connection with any modification, amendment, renewal or transfer of the franchise or any franchise agreement consistent with applicable state and federal laws.

12.40.070 General franchise terms.

A. Facilities. Each Franchise shall comply with the terms provided in this section. Upon request, each grantee shall provide the city with an accurate map or maps certifying the location of all facilities within the public rights-of-way in a format reasonably acceptable to the City. Each grantee will provide updated maps annually.

B. Damage to Grantee's Facilities. Unless directly and proximately caused by willful, intentional or malicious acts by the city, the city shall not be liable for any damage to or loss of any Telecommunications, Cable or Utility facility within the public rights-of-way as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling or work of any kind in the public rights-of-way by or on behalf of the city, or for any consequential losses resulting directly or indirectly therefrom.

C. Duty to Provide Information. Within ten (10) business days of a written request from the city, each grantee shall furnish the city with the following:

1. Information sufficient to demonstrate that grantee has complied with all requirements of this chapter;
2. All books, records, maps, and other documents, maintained by the grantee with respect to its Facilities within the public rights-of-way shall be made available for inspection by the city at reasonable times and intervals.

D. Service to the City. If the city contracts for the use of Telecommunication, Cable or Utility facilities, services, installation, or maintenance from the grantee, the grantee shall charge the city the grantee's most favorable rate offered at the time of the request charged to similar users within Oregon for similar volume of service, subject to any of grantee's tariffs or price lists on file with the OPUC. With the city's permission, the grantee may deduct the applicable charges from fee payments. Other terms and conditions of such services may be specified in a separate agreement between the city and grantee.

E. Compensation for City Property. If any right is granted, by lease, franchise, or other manner, to use or occupy City Property other than Right of Way, the compensation to be paid for such right and use shall be fixed by the City pursuant to a separate contract or other agreement.

F. Multiple Facility Franchises. A facility used for multiple purposes may require separate franchises. By way of illustration and not limitation, a Cable Operator of a Cable System to provide Cable Services must obtain a separate franchise to provide Telecommunication Services over the same facilities.

G. Leased Capacity. A grantee shall have the right, without prior city approval, to offer or provide capacity or bandwidth to a customer; provided that the grantee shall notify the city that such lease or agreement has been granted to a customer of lessee and any revenue received by grantee due to such lease shall be included in the gross revenue calculations to determine the amounts owed to the City.

H. Grantee Insurance. Unless otherwise provided in a franchise agreement, each grantee shall, as a condition of the grant, secure and maintain the following liability insurance policies insuring the grantee and the city, and its elected and appointed officers, officials, agents and employees as coinsured:

1. Comprehensive general liability insurance with limits not less than:
 - a. ~~Three~~ Five million dollars for bodily injury to death to each person, ~~resulting from one occurrence,~~
 - b. ~~Three~~ Five million dollars for property damage resulting from any one accident, and
 - c. ~~Three~~ Five million dollars for all other types of liability;
2. Automobile liability for owned, non-owned and hired vehicles with a limit of one million dollars for each person and ~~three-five~~ million dollars for each accident;
3. Worker's compensation within statutory limits and employer's liability insurance with limits not less than one million dollars;
4. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits not less than ~~three-five~~ million dollars;

5. The liability insurance policies required by this section shall be maintained by the grantee throughout the term of the franchise, and such other period of time during which the grantee is operating without a franchise hereunder, or is engaged in the removal of Facilities. Each such insurance policy shall contain the following endorsement:

“It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 90 days after receipt by the City, by registered mail, of a written notice addressed to the City Manager of such intent to cancel or not to renew.”

6. Within sixty (60) days after receipt by the city of such notice and in no event later than thirty (30) days prior to such cancellation, the grantee shall obtain and furnish to the city evidence that the grantee meets the requirements of this section.

7. As an alternative to the insurance requirements contained herein, a grantee may provide evidence of self-insurance subject to review and acceptance by the city.

I. General Indemnification. Each franchise agreement shall include, to the extent permitted by law, grantee’s express undertaking to defend, indemnify and hold the city and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney’s fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its Facilities, and in providing or offering Telecommunications, Cable or Utility Services over the facilities or network, whether such acts or omissions are authorized, allowed or prohibited by this chapter, or by a franchise agreement made or entered pursuant to this chapter.

J. Performance Surety. Before a franchise granted pursuant to this chapter is effective, and as necessary thereafter, the grantee shall provide a performance bond, in form and substance acceptable to the city, as security for the full and complete performance of a franchise granted under this chapter, including any costs, expenses, damages or loss the city pays or incurs because of any failure attributable to the grantee to comply with the codes, ordinances, rules, regulations or permits of the city. This obligation is in addition to the performance surety required by subsection O of Section [12.40.040](#) for construction of facilities.

12.40.075 License Fee Payment Terms.

A. Unless otherwise specified in a valid unexpired Franchise Agreement, each Telecommunications Carrier, Cable Operator or Utility Provider subject to the License Fee shall file with the Director of the Finance Department a report of the gross revenues earned within the corporate limits of the city for each consecutive 3-month period in the form and manner specified by the Finance Department (“Quarterly Report”). The first quarterly report shall be filed on or before the first payment date of the License Fee. Subsequent reports shall be filed on or before February 15, May 15, August 15 and November 15 of each year.

B. Unless otherwise specified in a valid unexpired Franchise Agreement, Telecommunication Carriers, Cable Operators and Utility Providers shall submit quarterly payments of License Fee under this subsection on or before February 15, May 15, August 15 and November 15 of each year which shall be accompanied by the Quarterly Report for that payment period as provided in subsection A above.

C. If the Telecommunication Carrier, Cable Operator or Utility Provider fails to pay the License Fee under this section, the City Attorney may institute an action in the Circuit Court of the State of Oregon for Jackson County to recover the amount of the License Fee due the city, together with any applicable penalties and accrued interest.

1. Interest will be assessed on any unpaid License Fee at the rate of 0.833 percent simple interest per month or fraction thereof (10 percent per annum), computed from the original due date of the fee to the 15th day of the month following the date of payment.

2. For the purpose of calculating interest, the amount of the License Fee due shall be reduced the amount of any License Fee payments received by the Director on or before the due dates established herein.

3. Interest amounts properly assessed in accordance with this section may be waived or reduced by the City for good cause shown.

D. Any person subject to this Chapter or any officer or agent of any association or corporation subject to the provisions of this Chapter who, for a period of 30-days after the statement is required to be filed with the Director, fails, neglects, or refuses to file with the Director the Quarterly Report of such person, association or corporation shall be subject to the penalties, including any criminal penalties, provided for in Section 12.40.80 E

E. Any person subject to the provisions of this 12.40.75 shall provide the city evidence of the insurance on the amounts specified in 12.40.070 and is subject to the indemnification requirements of 12.40.070 herein.

12.40.080 General provisions.

A. Governing Law. Any franchise or right granted under this chapter is subject to the applicable provisions of the Constitution and laws of the United States, and the state of Oregon and the ordinances and charter of the city.

B. Written Agreement. No franchise shall be granted hereunder unless the agreement is in writing.

C. Nonexclusive Grant. No franchise granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public rights-of-way of the city for delivery of telecommunications services or any other purpose.

D. Severability and Preemption. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this chapter is for any reason held to be

invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulation or decision, the remainder of the chapter shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, sentence, clause, phrase, provision, condition, covenant and portion of this chapter shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this chapter, then the provision shall be read to be preempted only to the extent required by the law. In the event such federal or state law, rule, or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall be thereupon return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the city.

E. Penalties. Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any provisions of this chapter shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs.

F. Other Remedies. Nothing in this chapter shall be construed as limiting any judicial remedies that the city may have, at law or in equity, for enforcement of this chapter.

G. Captions. The captions to sections throughout this chapter are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this chapter.

H. Compliance with Laws. Any Telecommunications Carrier, Cable Operator or Utility Provider under this chapter shall comply with all federal and state laws and regulations, as well as all ordinances, resolutions, rules and regulations of the city heretofore or hereafter adopted or established during the entire term of any franchise granted under this chapter.

I. Consent. Whenever the consent of either the city or of the Telecommunications Carrier, Cable Operator or Utility Provider is specifically required by this chapter or in a franchise granted, such consent will not be unreasonably withheld.

J. Application to Existing Ordinances and Franchise Agreements. To the extent that this Ordinance is not in conflict with and can be implemented consistent with existing City ordinances and existing, valid and unexpired Franchise Agreements pertaining to the use of the Public Right of Way, this Ordinance shall apply to all existing ordinances and existing, valid, and unexpired Franchise Agreements pertaining to the use of the Public Right of Way. In the event of an express conflict between this Ordinance and the terms of a Franchise Agreement adopted after the Effective Date of this Ordinance, the terms of this Ordinance shall prevail. In the event of an express conflict between this Ordinance and any other City ordinance pertaining to construction in or use of the Public Right of Way, the terms of this Ordinance shall prevail.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word Ordinance may be changed to “code”, “article”, “section”, “chapter”, or other word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross references and any typographical errors.

SECTION 4. Effective Date. The City of Talent City Charter states that an ordinance adopted by the council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 201_.

Mayor

ATTEST:

City Recorder

**City of Talent
Franchise Fees
FY2015 & FY2016**

Company	FY15 Franchise Fees	FY16 Franchise Fees	Change from FY15 to FY16
Avista	\$ 48,543	\$ 49,895	\$ 1,352
Century Link	9,295	8,078	(1,217)
Charter	52,928	53,334	406
Hunter Communications	38	-	(38)
Pacificorp (Franchise)	137,772	142,276	4,504
Pacificorp (License)	59,075	61,172	2,097
Preferred Long Distance, Inc.	134	-	(134)
Recology	37,086	39,211	2,126
Ring Central, Inc.	100	158	58
Water	61,728	63,146	1,417
TOTAL	\$ 406,700	\$ 417,271	\$ 10,572

ORDINANCE #926

AN ORDINANCE DEFINING GENERAL PENALITIES AND PROCEDURES FOR ADOPTING FINES FOR VIOLATIONS OF THE TALENT MUNICIPAL CODE

WHEREAS, Chapter 2, Section 4 of the Talent City Charter provides:

Powers of the City. The City has all powers that the constitutions, statutes, and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this charter specifically enumerated each of those powers.

WHEREAS, the Oregon Revised Statutes 153.022 provides authority of agency to specify rule violation as a particular level of violation

The City of Talent ordains as follows:

Section 1. [Civil Violations]

- (a) An offense is a civil violation if:
 - 1. The offense is so designated in the municipal ordinance or state statute defining the offense;
 - 2. The municipal ordinance or state statute prescribing the penalty for the offense provides that the offense is punishable only by a fine, forfeiture, fine and forfeiture or other civil penalties; or

Section 2. [General Penalties]

- (a) Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the City shall be guilty of civil violation unless the violation is made a misdemeanor by ordinance.
- (b) Except in cases where a different punishment is prescribed by any ordinance of the City, state statute or regulation, any person convicted of a misdemeanor for violation of an ordinance of the City is punishable by a fine set by Resolution of the Council for natural persons and for corporations, or other business entity or commercial enterprise.
- (c) Any person convicted of an infraction for violation of an ordinance of the City is punishable by a fine set by Resolution of the Council for natural persons and for corporations, or other business entity or commercial enterprise.

Commented [ZM1]: Resolution for fine amounts must be adopted concurrently with the passage of this ordinance.

Commented [ZM2]: Resolution for fine amounts must be adopted concurrently with the passage of this ordinance.

Section 3. [Separate Violations]

A person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the City is committed, continued or permitted by any such person, and such person shall be punishable accordingly.

Section 4. [Severability]

The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

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ORDINANCE #749927

~~AN ORDINANCE DEFINING NUISANCES -- PROVIDING FOR THEIR ABATEMENT COMPLAINT AND INVESTIGATION PROCESS -- PROVIDING PENALTIES -- ESTABLISHING NOTICE OF VIOLATION PROCEDURES~~

(Repeals Ordinances #429, #295 and #66, as Amended by Ordinances #549, #681, ~~and~~ #718 and #749)

The City of Talent ordains as follows:

~~Section 1. [Definitions]:~~

Owner:

Includes any person with an ownership interest or with any leasehold or other possessory interest, of record or otherwise, which gives them, either alone or jointly with others, a right to occupy, possess or control real property. Any person who appears as owner on the records of the county assessor shall be presumed to be one of the owners of the property; but such presumption may be rebutted.

Person:

A natural person, firm, partnership, association, or corporation, whether he is acting for himself or as the clerk, servant, employee or agent of another.

Person in Charge of Property:

An agent, occupant, lessee, contract purchaser or person other than the owner having possession or control of the property.

Public Place:

A building, way, place or accommodation, whether publicly or privately owned, open and available to the general public.

Private Place:

Any place other than a public place as defined in above.

ANIMALS

~~Section 2. [Animals at Large]:~~

~~4(a)~~ No owner or person in charge shall permit animals to run at large, and if found within the city limits may be impounded. Animals shall include, but not be limited to any of the following animals:

Dogs, Horses, Mules, Cattle, Goats, Sheep, Llamas, Alpacas, Chickens or other domestic fowl

~~2(b)~~ No animals of any kind shall be allowed to enter any lake, pond, stream, ditch or other body of water.

Section 3. ~~[Keeping of Animals – Dogs]~~

~~(1a)~~ All dogs must be confined by fence, leash, or obedience training to the property of the person owning, harboring or having the charge, care, control, or possession of such dog; however, it shall be permissible for a dog to be confined by fence, leash or obedience training to the property of another if such other person has given express permission. Leash lead shall be no greater than six (6) feet.

~~(2b)~~ Any dog that is vicious or dangerous to the safety of persons must be confined by an enclosure to the property of its owner or keeper.

~~(3c)~~ Any dog not confined to property as set forth above and which is on either public or private property must be on a leash.

~~(4d)~~ Dogs not on private property as described above must always be attended by their owner or person having the custody of such a dog; and, it shall be unlawful for any person to tie a dog or any other animal to any tree, hydrant, railing or other object on the public property of the City of Talent for longer than fifteen (15) minutes.

~~(5e)~~ Dogs are not permitted in any city park or greenway under any condition except in those areas where special rules, as adopted by city council, may apply.

~~(6f)~~ Any person, with the exception of a sightless person, responsible for any dog, shall be in possession of tools for the removal of and shall remove, excrement deposited by the dog in any public area not designated to receive those wastes, including but not limited to streets, sidewalks, parking strips, trails or roads paralleling ditches, swales, culverts, canals, railroad tracks or similar facilities.

~~(7g)~~ Seeing eye dogs, dogs for the deaf, and any licensed/certified assistance therapy dogs when in custody and control of a person who legally falls into the category of blind, deaf, or therapy assisted, are exempt from the provisions of this section.

~~(8h)~~ No person shall keep more than three (3) dogs over three (3) months of age on any tract within the city.

Section 4. ~~[Animal Carcasses – Removal]~~

No person shall permit the carcass of any animal owned by him to remain upon public property, and no person who is the owner or person in charge of property shall permit the carcass of any animal to remain thereon. It shall be the duty of the owner or person in charge forthwith to cause the carcass to be buried or otherwise disposed of.

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NUISANCES AFFECTING PUBLIC HEALTH

No person shall cause, or permit on property under their ownership or control, a nuisance affecting public health. The following are nuisances affecting the public health and may be enforced, cited and/or abated without a written complaint

Section 5. Maintenance of Property – Nuisances

~~It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge of any premises in this city:~~

- (~~a~~) To so maintain such premises as to permit the same to become so defective, unsightly or in such condition of deterioration or disrepair that the same causes appreciable harm or is materially detrimental to proximal properties or improvements; or
- (~~2~~b) To keep or maintain, to effect, premises with any of the following conditions:
 - (~~a~~1) Buildings which are abandoned or boarded up or partially destroyed.
 - (~~b~~2) Broken down or discarded items including furniture and appliances or equipment in any yard visible from the street.
 - (~~e~~3) Garbage cans strewn over the yards and visible from the street.
 - (~~d~~4) Unfinished buildings.
 - (~~e~~5) Dead trees, debris, and weeds, which may create a fire hazard.
 - (~~f~~6) Packing boxes or other storage containers, stored in yards and visible to the public.
 - (~~g~~7) Manure, waste matter, or other objectionable accumulations to the annoyance and objection of neighboring property owners.
 - (~~h~~8) Conditions causing noisome or objectionable odors to emanate from the premises.
 - (~~i~~9) Graffiti upon any portion of a building, shed, fence or other structure visible to persons outside of any building, provided that advertisements placed on such building, shed, fence or other structure in accordance with applicable law shall not be considered to be graffiti and meet the applicable sign ordinance (#723).
 - (~~j~~10) Storage of any motor vehicles within the front yard setback of a residentially zoned neighborhood, other than ~~a~~ a dedicated driveway.

Section 6. Dumping Refuse

No person shall deposit any foul, decayed, putrid or offensive substance, such as dead animals or fowl, garbage, rubbish, leaves, weeds, cans, manure, or animal feces, sewage or other refuse or rubbish along the bank of or in any canal, ditch, creek, or river; in any street, alley, park; or upon any lot, place or premises in the city, whether public or private.

Section 7. Pollution of Water

No person shall pollute ~~the a body of water-, well, spring, stream, or drainage ditch by sewage, industrial waste, or other substances placed in or near the water in a manner that will cause harmful materials to pollute the water of any drinking fountain, hydrant, or any source or place of storage for the water supply of the city or any of its inhabitants. A body of water includes, but is not limited to~~

Bear Creek, Wagner Creek, designated wetlands and riparian areas.

Section 8. [Public Health]

~~No person shall cause or permit a nuisance affecting public health on property owned or controlled by the person. The following are nuisances affecting public health and may be abated as provided in this ordinance:~~

- (~~1a~~) Open vaults, privies or portable toilets constructed and maintained within the city, except those constructed or maintained in connection with construction projects in accordance with State Health Division regulations.
- (~~2b~~) Accumulations of debris, rubbish, manure and other refuse that are not removed within a reasonable time and that affect the health of the ~~city~~City.
- (~~3c~~) Stagnant water that affords a breeding place for mosquitoes and other insect pests as determined by Jackson County Vector Control.
- (~~4~~) ~~Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near the water in a manner that will pollute the water. A body of water includes, but is not limited to Bear Creek, Wagner Creek, designated wetlands and riparian areas.~~
- (~~5d~~) Decayed or unwholesome food offered for human consumption.
- (~~6e~~) Premises that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition.
- (~~7f~~) Drainage of liquid wastes from private premises.
- (~~8g~~) Cesspools or septic tanks that are in an unsanitary condition or that cause an offensive odor.
- (~~9h~~) Mastics, oil, grease or petroleum products shall not be allowed to be introduced into the sewer system by a user connected to the sewer system.

NUISANCES AFFECTING PUBLIC SAFETY

Section 9. ~~_____~~ **[Creating a Hazard]**⚡

~~_____~~ No person shall create a hazard by:

- (~~1~~**a**) Maintaining or leaving, in a place accessible to children, a container with a compartment of more than one and one-half (1 ½) cubic feet capacity and a door or lid that locks or fastens automatically when closed and that cannot be easily opened from the inside.
- (~~2~~**b**) Being the owner or otherwise having possession of property on which there is a well, cistern, cesspool, excavation, or other hole of a depth of four (4) feet or more and a top width of twelve (12) inches or more and failing to cover or fence it with a suitable protective construction.

Section 10. **[Cellar Doors - Leaving Open]**⚡

No person shall keep or leave open any cellar door or grating of any kind in or upon any sidewalk, except when the same is necessarily open during the immediate use thereof. During such time, such opening shall be properly guarded and protected.

Section 11. **[Surface Waters – Drainage]**⚡

No person in charge of property shall permit rainwater, ice or snow to fall from any building or structure upon any street or sidewalk, or to flow across any sidewalk; and the person in charge of the property shall at all times keep and maintain in the proper state of repair adequate drain pipes, or a drainage and stormwater system sufficient to carry to the street or other designated stormwater system any overflow stormwater accumulating on the roof or about the building. All stormwater should be directed to a designated public stormwater system. If a public system is not available, the property owner is responsible for constructing and maintaining a similar system to manage any excess stormwater.

Section 12. **[Ice and Snow Removal]**⚡

A person in charge of property shall remove all snow or ice which has fallen or has accumulated upon the sidewalk abutting upon the premises or property within two (2) hours after the snow or ice has ceased to fall thereon. Provided, however, that if snow is falling or ice is accumulating after the hour of 6:00 p.m., the same shall be removed before 9:00 a.m. on the next succeeding day.

Section 13. **[Electric and Barbed Wire Fences]**⚡

- (~~1~~**a**) No person shall install or operate any electric fence, unless it is of a type or

manufacture which has been approved in the most current edition of the National Board of Fire Underwriters and as part of agriculture or commercial use allowed under the Talent Zoning Ordinance.

- (2b) No owner or person in charge of property shall construct or maintain a barbed wire fence, or permit barbed wire to remain as part of a fence, along a public right-of-way or private lot; except such wire may be placed above the top of other fencing not less than six (6) feet, six (6) inches high as part of a licensed commercial use..

Section 14. ~~Attractive Nuisances~~

No person in charge of property shall suffer or permit to remain unguarded upon the premises any machinery, equipment, or other device having the characteristics of an attractive nuisance, or which is liable to attract children. No person in charge of property shall suffer or permit to remain unguarded upon the premises any pit, quarry, cistern, swimming pool, well or other excavation.

Section 15. ~~Dangerous Buildings~~

No person shall own, possess, make use of, or occupy any building or structure, or portion thereof, or cause or permit such building, structure, or portion thereof under his control to be used or occupied by others, if such building, structure or portion thereof constitutes a “dangerous building” as defined by, and by reason of any conditions described in the most recent edition of the Uniform Code for the Abatement of Dangerous Buildings, ICBO. For its definitions of dangerous buildings and of the conditions, applicable sections of the said publication, and all other sections of the Uniform Building Code necessary for the interpretation of said sections, are incorporated by this reference and made a part of this ordinance.

~~(1)~~

NUISANCES AFFECTING THE PUBLIC PEACE

Section 16. ~~Noises – Unnecessary~~

No person shall create, assist in creating, permit, continue or permit the continuance of any loud, disturbing or unnecessary noise. The following acts are declared to be violations of this section, but such enumerations shall not be deemed to be exclusive:

- (1a) The keeping of any animal or fowl which, by frequent or loud continued noise, shall disturb the comfort and repose of any person in the vicinity.
- ~~(2b)~~ The use of any automobile, motorcycle or other vehicle, any engine, stationary or moving instrument, device or things so out of repair, so loaded or operated in such a manner as to create loud or unnecessary grating, grinding, rattling or other noises.

- | ~~(3c)~~ The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place, except as a necessary warning of danger to property or persons.
- | ~~(4d)~~ The use of any mechanical device operated by compressed air, steam or otherwise, unless the noise created thereby is effectively muffled.
- | ~~(5e)~~ The erection, including excavation, demolition, alteration or repair of any building, other than **between the hours of 7:00 a.m. and 9:00 p.m.**, except upon special permit granted by the city council.
- | ~~(6f)~~ The use of any gong or siren upon any vehicle other than police, fire or other emergency vehicle.
- | ~~(7g)~~ The operation of any gasoline engine without having the same equipped with and using thereupon a muffler.
- | ~~(8h)~~ The use of a “muffler cutout” on any motor vehicle upon any street.
- | ~~(9i)~~ The use or operation of any automatic or electric piano, phonograph, radio, loudspeaker or any sound-amplifying device so loudly as to disturb the persons in the vicinity thereof, or in such manner as renders the same a public nuisance; provided, however, that upon application to the city council permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches or general entertainment or advertisement.
- | ~~(10j)~~ The conducting, operating or maintaining of any garage within 100 feet of any building used as a private residence, apartment house, rooming house or hotel in such manner as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

| **Section 17. Radio Interference**

- | ~~(1a)~~ No person shall operate or use any electrical, mechanical or other device which shall create, on any premises other than his own, any interference with television reception or the reception of public or commercial radio transmissions.
- | ~~(2b)~~ This section does not apply to devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.

| **Section 18. Vending Goods by Public Outcry**

—No person shall use or occupy any portion of a street or sidewalk for the purpose of vending goods, wares or merchandise by public outcry, or otherwise; except as permitted by the general terms of a resolution of the city council allowing such activities in connection

with public festivals and fairs and other like occasions held within the city.

Section 19. [Declaration of Nuisance – General Nuisance]z

(+a) The acts, conditions or objects specifically enumerated and defined in Section 2 through Section 18 are hereby declared to be public nuisances; and such acts, conditions or objects may be abated by any of the procedures set forth in Section 22 ~~through 24~~ or Section 23 of this ordinance.

Section 20 [Chronic Nuisance Property]

Section 2021. [Complaint Investigation]z

(a) ~~(1)~~ When a written complaint is received on a form approved by the City by the city concerning a possible violation of Sections 2 through 18, a police officer, code enforcement officer, or other the City Manager, or designee shall investigate the complaint and, if there appears to be a violation, issue a written ~~warning citation~~ notice of violation to the owner, occupant or person in charge of the property. The ~~second warning citation~~ notice of violation shall be personally served or mailed by certified mail with a return receipt requested.

Commented [ZM1]: Changed from police officer, code enforcement officer...

Commented [ZM2]: Changed from second warning citation, since it is not actually a citation at this point in the process.

~~(2b)~~ Such warning citation shall include the following information:

~~(a1)~~ A description of the real property, by street address or otherwise, on which such nuisance exists.

~~(b2)~~ A description of the conditions comprising the nuisance.

~~(c3)~~ A direction to abate the nuisance within 7 – 30 days from the date of the warning citation.

~~(d4)~~ A statement that unless the conditions comprising the nuisance are removed or corrected, the owner or person in charge will be cited into municipal court for the violation.

~~(3c)~~ After the expiration of the ~~warning citation~~ second notice of violation, a ~~police officer, code enforcement officer~~ City Manager, or designee shall inspect the premises to determine if the owner, occupant or person in charge of the property has abated the conditions comprising the nuisance, and if not abated, the designee shall issue a citation to the owner, occupant or person in charge of the property to appear in the municipal court at the next available date. The citation shall be personally served or mailed by certified mail with a return receipt requested.

~~(4d) In addition to the citation issued under Section 3, the city City Manager, or designee shall cause a notice to be posted on the premises, or on the public right-of-way abutting the premises where the condition exists, stating the condition comprising the nuisance and the date and time that the owner or person in charge is to appear in municipal court.~~

Commented [ZM3]: Not sure if we want to keep this or not.

Section 22. [Issuance of Citation and Abatement]

- ~~(a) If the condition is not corrected, the City Manager or designee may proceed as follows:~~
- ~~(1) Issue a citation to occupant(s) in accordance with the City's General Penalties Ordinance. If the occupant(s) are not the owner, the owner shall be notified via certified mail of the citation issued to the occupant(s).~~
 - ~~(2) Determine it to be necessary to abate the nuisance by removing the violation from the property in accordance with the City's Abatement Procedures.~~

Section 23. [Search and Inspection]

~~If it is necessary to go upon property for inspection thereof, hereunder, and if access is specifically denied by the owner(s) or occupant(s) in lawful control of the property, application shall be made by the Talent Chief of Police for a search warrant.~~

Section 21. Summary Abatement:

~~The procedure provided by this ordinance is not exclusive but is in addition to procedure provided by other ordinances; and the county health officer, the chief of the fire department, chief of police, or building official may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.~~

Section 224. [Penalty]:

~~—A person found guilty of violating any of the provisions of Sections 2 through 18 shall, upon conviction thereof, be assessed a fine in accordance with the City's General Penalties Ordinance. be subject to a fine not to exceed \$500.00 per day that the violation exists prior to abatement.~~

Section 23. Abatement Ordered by Court:

~~(1) In addition to any fine imposed, the court may order the person to abate the nuisance within a specified time, as determined reasonable by the court.~~

~~(2) If, within the time specified by the court under section 23.1, the owner or person in charge of the property has not abated the nuisance, the court, upon application to the city, may order the city to abate the nuisance and charge the owner of the property for the cost of abatement and, if necessary, place a lien against the property as provided in Section 24 of this ordinance.~~

Section 24. Assessment of Cost of City Ordered Abatement:

~~(1) The city manager, or designee, shall keep an accurate record of the expense incurred by the city in abating the nuisance, and shall include therein a charge of twenty percent (20%) of the expense for administration overhead.~~

~~(2) The city manager, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:~~

~~(a) The total cost of abatement, including the administrative overhead.~~

~~(b) That the cost as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.~~

~~(c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, he may file a notice of objection with the city manager not more than ten (10) days from the date of the notice requesting a hearing.~~

~~(3) Upon receipt of a request for hearing, the council shall set a date to consider objections. The objector shall be notified of such date and at said hearing the council shall hear the objection and determine the cost to be assessed. Hearing shall be held within 60 days of date notice if objection is received.~~

~~(4) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs as stated or as determined by council, shall be made by resolution and shall thereupon be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the property from which the nuisance was removed or abated.~~

~~(5) The lien shall be enforced in the same manner as liens for street improvement are enforced, and shall bear interest at the rate of ten percent (10%) per annum. Such interest shall commence to run from date of the~~

~~entry of the lien in the lien docket.~~

- ~~(6) An error in the name of the owner or person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void; but it shall remain a valid lien against the property.~~

Section 24. Assessment of Cost of City Ordered Abatement (cont):

- ~~(7) The city may, for purposes of giving notice rely upon the most current records of the county recorder and county assessor for the purposes of identifying the name and address of the property owner, unless the city has received actual notice that another party owns the property.~~

Section 25. Separate Violations:

- ~~(1) Each day's violation of a provision of this ordinance constitutes a separate offense.~~

~~(2) The abatement of a nuisance is not a penalty for violating this ordinance, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance. However, if a person is given notice, or required by findings and order of the council, to abate a nuisance within a time specified in said notice or order, and abates the said nuisance within that time, then this shall excuse the person responsible from the imposition of any fine under Section 22 of this ordinance.~~

Section 26. Severability:

~~The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.~~

Section 25. [Repealing Previous Ordinances] Ordinance 749 is hereby repealed and this ordinance is enacted in replacement thereof.

Passed by the council December 7, 2016 and approved by the mayor.

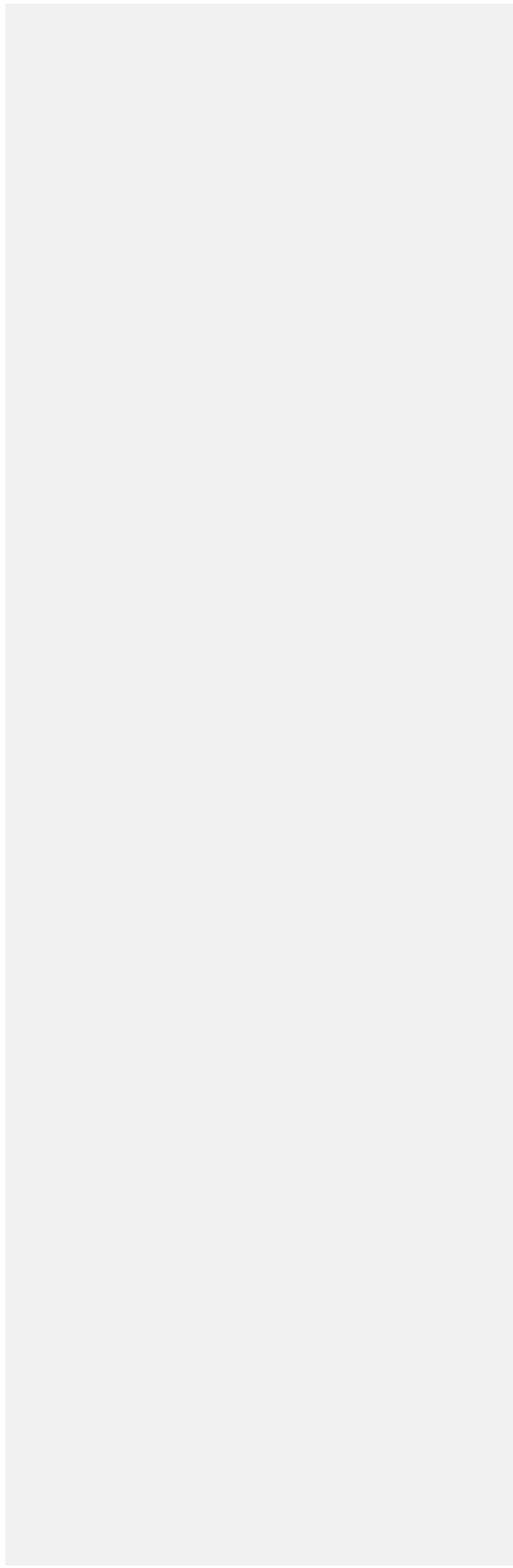
Section 27. Effective Date:

~~The city council determines that an emergency does exist and this ordinance therefore takes effect upon adoption.~~

~~Passed by the council and approved by the mayor, November 19, 2003~~

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DRAFT



ORDINANCE #928

AN ORDINANCE DEFINING A PROCESS THE ABATEMENT OF VIOLATIONS OF THE TALENT MUNICIPAL CODE

The City of Talent ordains as follows:

Uniform Violation Abatement Process

Section 1. [Notice of Abatement]

Notice of abatement shall be served upon such owner(s) and/or occupant(s) in person if found upon said premises or within the City, and in case said owner(s) and/or occupant(s) cannot be found in person within the City after reasonable diligence and inquiry, such notice shall be posted in a conspicuous place upon said premises, and a copy thereof mailed to the last known address of such owner or occupant, and if at the end of ten (10) days from the giving of such notice, such owner(s) and/or occupant(s), has failed and neglected to cut and remove such vegetation, the City Manager shall cause the same to be done. (a) Upon determination by the City Manager, or designee that a violation of the Talent Municipal Code exists that can be remedied by abatement, the City Manager, or designee shall cause a notice of abatement to be served on the owner or person in charge of the property where the violation exists, directing the owner or person in charge of the property to abate the violation.

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(b) The notice to abate shall contain:

1. A description of the real property by street address or otherwise, on which the violation exists;
2. A direct to abate the violation within ten (10) days from the date of the posting;
3. A description of the violation and a reference to the ordinance or Code section number involved;
4. A statement that, unless the violation is removed, the City may abate the violation and the cost of abatement shall be charged to the person responsible, assessed against the property, or both;
5. A statement that the person responsible may protest the order to abate by giving written notice to the recorder within ten (10) days from the date of service in accordance with [TMC XXX [Administrative Appeals Process]];
6. A statement that failure to abate a violation may result in abatement by the City and may also result in issuance of a civil violation citation;
7. If the person responsible is not the owner, an additional notice shall be sent to the owner, stating that all or part of the abatement costs not paid by the person responsible will be assessed to and become a lien on the property.

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(c) -On completion of service, the person responsible for service shall execute and file

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certificates stating the date and place of service.

(d) An error in the notice mailed shall not make the notice void.

(e) The City is not required to post the property but may always provide posting at its discretion to facilitate notice with the responsible parties.

Section 92. [Abatement by the Person Responsible]

(a) Within ten (10) days after service of the notice, consistent with the requirements of the Notice of Abatement, a person responsible shall remove the violation or show that no violation exists by protesting the violation as provided herein.

(b) A person responsible, protesting the existence of a violation, shall, within ten (10) days after service, file with the City Recorder a written notice of appeal specifying the basis for protesting in accordance with TMC XXX [Administrative Appeals Process]. Failure to file a written notice of appeal constitutes a waiver to any objection that the person may have to the finding that a violation exists or to the abatement of the violation by the City.

(c) After hearing the matter, the Council may determine that no violation exists, determine that a violation exists and order its abatement, impose conditions on the person responsible, or delay the time for abatement of the violation. The Council shall make written findings in support of its decision when a violation is determined to exist, and its decision shall be final.

(d) If the Council determines that a violation does in fact exist, a person responsible shall abate the violation within ten (10) days after the Council's determination, unless the Council has delayed the time for abatement.

Section 83. [Abatement by the City]

(a) If, within the time allowed, the nuisance has not been abated by the person responsible, the ~~Council~~ City Manager, or designee may abate the violation or cause the nuisance to be abated.

(b) The ~~officer~~ City Manager, or designee charged with abatement of the nuisance shall have the right at reasonable times to enter into or upon property in accordance with all laws, including search and seizure laws, to investigate or cause the removal of a nuisance.

(c) The City Recorder shall keep an accurate record of the expense incurred by the City in physically abating the nuisance, and shall include therein a charge for administrative overhead in accordance with the fee schedule adopted by Resolution of the City Council.

(d) The City shall have the authority to dispose of all seized property in any lawful manner and shall, if practical, attempt to obtain salvage value for material that has a fair market

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value in excess of \$100.00 per item.

Commented [ZM2]: New language consistent with City of Ashland and Central Point.

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Section 104. [Assessment of Costs]

Commented [ZM3]: Existing language in ORD #749

(a) The City Manager, or designee, shall keep an accurate record of the expense incurred by the city in abating the nuisance, and shall include therein a charge of twenty percent (20%) of the expense for administration overhead.

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(a)(b) The City Recorder/City Manager, or designee, by registered or certified mail, postage prepaid, shall forward to the person responsible a notice stating:

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1. The total cost of abatement, including the administrative cost of abatement minus any salvage value; overhead.

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2. That the cost as indicated will be assessed to and become a lien against the property, unless paid within 30 days from the date of the notice.

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(b) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, he may file a notice of objection with the city manager not more than ten (10) days from the date of the notice requesting a hearing.

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3.

(e) Upon the expiration of 10 days after the date of the notice, the Council, in the regular course of business, shall hear and determine the merit of any objections raised to the costs assessed.

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(c) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the cost, as stated or as determined by the Council/Council, shall be made by resolution and shall thereupon be entered in the docket of City liens, and upon such entry begin made shall constitute a lien upon the property for which the nuisance was removed or abated.

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(d)

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(d) The lien shall be enforced in the manner as liens for street improvements are enforced, and shall bear interest at the rate of ~~XXX~~ 10% percent per annum. The interested shall commence to run from the date of entry of the lien in the lien docket.

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(e)

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(e) An error in the name of the person responsible shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

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(f) The city may, for purposes of giving notice rely upon the most current records of the county recorder and county assessor for the purposes of identifying the name and address of the property owner, unless the city has received actual notice that another party owns the property.

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Section 5. [Abatement – Joint Responsibility]

If more than one person is responsible for the violation, they shall be jointly and severally liable for abating the violation or for the costs incurred by the City in abating the violation.

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Section 6. [Other Methods of Collecting Abatement Costs]

The costs assessed for abatement of a violation may be collected pursuant to ORS 30.310 or 30.315.

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Section 7. [Summary Abatement Process]

~~The procedure provided by this ordinance is not exclusive but is in addition to procedure provided by other ordinances; and the county health officer, the chief of the fire department chief of police, or building official may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.~~

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(a) The city may summarily abate any violation or nuisance on any property or premises which a City Manager, or designee, in the exercise of reasonable discretion, determines poses an imminent danger or threat to the public's health, safety or welfare. In the event a City Manager, or designee makes such a determination, it shall be set out in writing and at a minimum include information on the following:

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1. The location of the property where the violation constituting the imminent threat or danger is located;
2. The nature of said violation or condition; and
3. The attempts, if any, to contact the owner of the property and the reason(s) why said owner or responsible person did not abate the violation.

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(b) In the event the City Manager, or designee makes the above written determination, the City need not provide pre-abatement notice; however, the City shall provide notice to the owner of the property within ten (10) days after the City's abatement of the violation. Said notice shall include the following:

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1. A copy of the written determination;
2. A brief description of the action(s) the city took to abate the violation; and
3. The costs, if known, incurred by the city to abate the violation.

(b) The City Manager, or designee shall have the right at reasonable times to enter into or upon property in accordance with all laws, including search and seizure laws, to investigate or cause the removal of a violation. The City shall have the authority to dispose of all seized property in any lawful manner and shall, if practical, attempt to obtain salvage value for material that has a fair market value in excess of \$100.00 per item.

Commented [ZM4]: New language consistent with other cities; Ashland and Central Point.

Section 8. [Additional Remedies]

The requirement to abate a violation is not a penalty for violating the Talent Municipal Code; it is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the violation.
~~An additional administrative fee adopted by Resolution of the City Council will be added to each abated property.~~

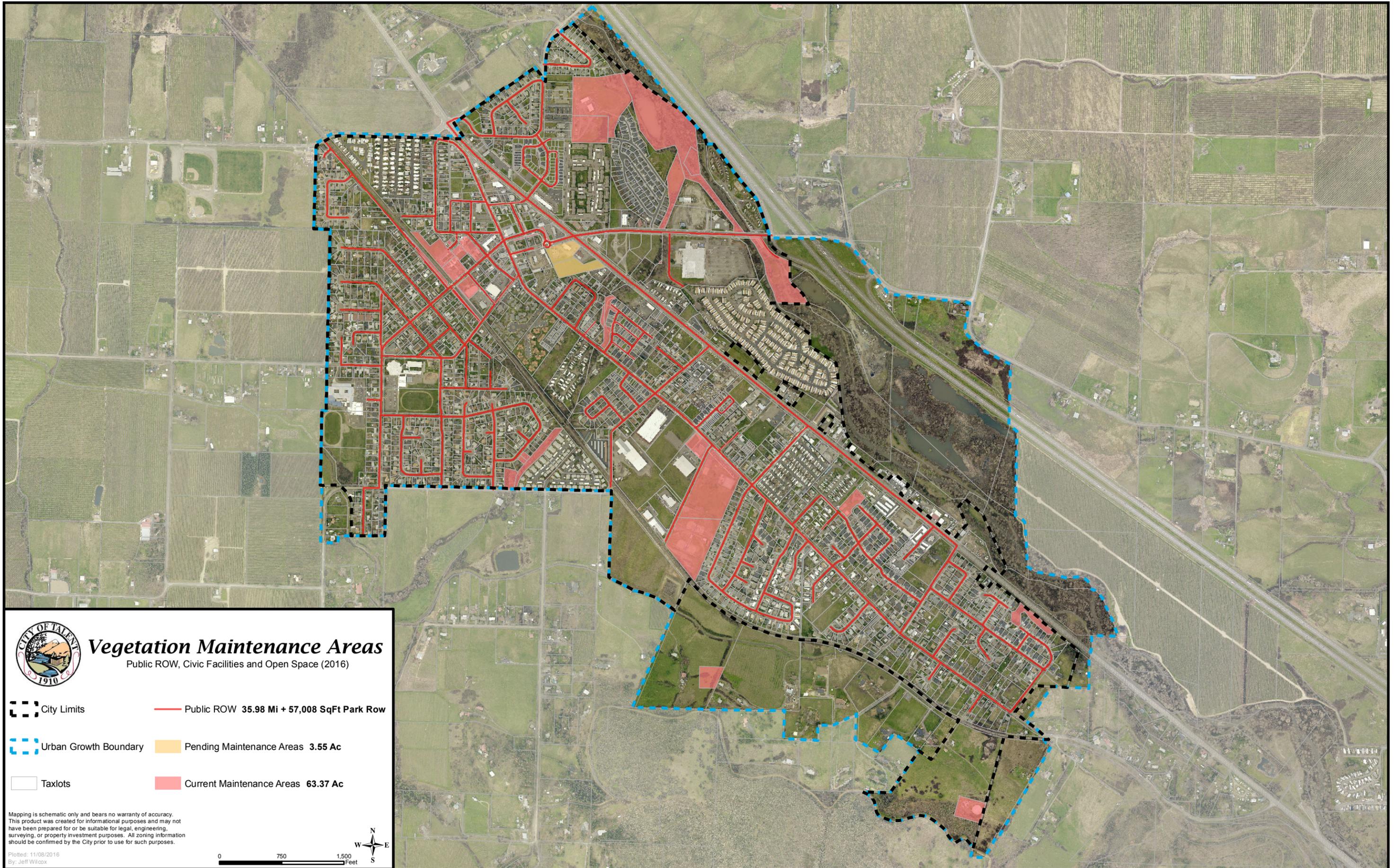
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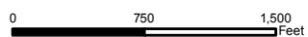
Vegetation Maintenance Areas

Public ROW, Civic Facilities and Open Space (2016)

-  City Limits
-  Urban Growth Boundary
-  Taxlots
-  Public ROW 35.98 Mi + 57,008 SqFt Park Row
-  Pending Maintenance Areas 3.55 Ac
-  Current Maintenance Areas 63.37 Ac

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: 11/08/2016
By: Jeff Wilcox



Thank you for your prompt attention to a safety issue and the tires too. Also for taking the time to inform me of same.

It is reassuring to know that we have dedicated and caring staff working to keep roads safe and visibly attractive. Thank you. Don Pettit

Sent from my iPad

Hi Don,

Thank you for the email. We were able to get that pot hole and a few more on Rapp Rd traveling west as we had it scheduled for today. The tires were removed as well. Hope you have a great day! Thanks again!

Chance Metcalf
Public Works Superintendent
cmetcalf@cityoftalent.org
(541)535-3828

No problem. Yes, we had it scheduled with the asphalt for the Town Hall ramp today. I will make contact with him as soon as we complete it today so I can let him know!

From: Tom Corrigan
Sent: Thursday, November 03, 2016 8:45 AM
To: Chance Metcalf <cmetcalf@cityoftalent.org>
Subject: Fwd: Website Feedback

Plz take a look and respond to citizen. Opt me. I think you said we were already doing these this week, right?

Thx

Thomas J. Corrigan
City of Talent
City Manager
Executive Director

From: <pettit@wizzards.net>
Date: November 3, 2016 at 7:07:21 AM PDT
To: <melissa@cityoftalent.org>
Subject: Website Feedback

Contact Us Reply Form

From: Don Pettit
EmailAddress: pettit@wizzards.net
Phone: 5415129189

Subject: pettit@wizzards.net

Nature of Suggestion: Suggestions

I would like an email response: yes

Message:

Prior to RRX W/B Rapp Rd is large pothole which requires driving off on right side of road or left partially into oncoming traffic. Also someone has dumped three old car tires on north side of road on Rapp Rd just west of RRX.

Carnighan,

We had a citizen, Luke Tobias, stop by TPD today to advise thanks for saving his fathers life. He explained that a Talent officer went to his fathers residence and convinced him to go to the hospital. He was certain that this convincing saved his fathers life.

He explained that his father can be quite stubborn, and appreciated how the situation was handled. Since this time, his father has placed a blue light-bulb in his porch light for his support of law enforcement.

Thanks for what you do on a daily basis. Your work is appreciated by the city as well as it citizens.

Chief Whipple

City of Talent
PO Box 445
110 East Main St.
Talent, OR 97540
www.CityofTalent.org

City of Talent
110 East Main Street
Talent, OR 97540

November 8, 2016

Re: Talent Clean Energy Action Plan

Dear Mayor Stricker and Talent City Council:

Thank you for your consideration of the attached Talent Clean Energy Year One Plan for approval and adoption. The intention of this plan is to launch our community and the City on the path to a faster transition to clean energy and greater energy efficiency, and can be integrated into the master plan for our community moving forward.

In March of 2015, a group of Talent residents came together to figure out how we could take action on climate change here in Talent. We held conversations in each other's living rooms, we collected surveys, and in October of 2015, over 70 residents and professionals came together for a "Making Energy Work" workshop with Lake County Resource Initiative, Sustainable Northwest, and the Energy Trust of Oregon. During that workshop we learned how other rural communities are transitioning to clean energy, what programs already exist that can help businesses and residents save energy or use clean energy, and we had multiple break-out groups to think through what next steps we could take together in Talent.

Out of the small group sessions at that workshop, four different community working groups were launched—a clean energy plan team, an energy conservation team, an energy generation team, and a communications team. This plan is the joint, year-long effort of all of those teams. Over 30 Talent residents and multiple energy professionals contributed to the development of this plan through research, outreach, and community meetings. To develop the plan, we looked at many other communities' clean energy and climate action plans as models and utilized the Department of Energy's Community Energy Planning Toolkit as well as the 2012 Rogue Valley Renewable Energy Assessment. We also identified major stakeholders: consumers such as residents, landlords, businesses; and those whose expertise can inform the plan, such as Energy Trust of Oregon, Seeds for the Sol, Rogue Community College, and the State Department of Labor.

In the meantime, under Mayor Stricker's leadership, the Together for Talent Committee began discussions and working on an ordinance that would formalize them as a "sustainability committee," with recommending powers. The City of Talent has also taken exciting steps forward thanks to the leadership of City Manager Tom Corrigan and the Council over the last year, winning a Blue Sky grant to install solar on the Talent community center as well as replacing city street lights with LEDs.

Based on these resources, and the unique aspects of our local community, we developed a clean energy vision for 2030 that includes reducing our energy by 30 percent and transitioning to 100 percent clean energy, while increasing our local resilience and creating good jobs. We then

worked backward to develop an action plan for year one, that includes both clearly implementable immediate steps that can take advantage of existing programs and opportunities, as well as other proposals that need substantial research and may or may not be feasible depending on what funding is available moving forward. Today, we are not asking for approval of the 2030 plan, but are providing it as a reference point because it provides valuable background information and potential action items for the future.

The Talent Clean Energy Year One Plan that we are presenting for city approval includes the 2030 vision, as well as what we believe can be accomplished between January and December of 2017. We acknowledge that the City's fiscal year begins in June, so while we are asking approval for the plan for the calendar year, we are not suggesting any additional budgetary expenses until the start of the fiscal year. Thanks to a partnership between Rogue Climate, the Energy Trust of Oregon, and the City of Talent, we already have a RARE - AmeriCorps participant who is working with the City to implement the first stage of this plan.

By adopting a Clean Energy Action Plan, and integrating clean energy development and energy efficiency into our city planning, operations, and community efforts, we will be positioning our community to take advantage of a rapidly changing energy system, creating jobs, keeping long-term energy costs low, and doing our part to take action on climate change.

On behalf of Together for Talent, Rogue Climate Talent, and the many community members who helped to develop, research, and provide input to this plan, thank you for your service and for your consideration of the attached plan.

Sincerely,



Dorian Hastings
Chair, Together for Talent Committee

Commented [DH1]:

Talent Clean Energy Action Plan Year One - 2017

Prepared for the City of Talent
by Rogue Climate Talent Community Members

Executive Summary

It is now an accepted reality that climate change is upon us. Resolving the challenges it brings will require significant changes to our overall approach toward energy. Over the last few years, due in part to the lack of leadership by national governments, cities around the globe have taken the initiative to change their sources of energy and how they use it. Local governments have an indispensable role to play in reducing greenhouse gas emissions, in developing the fundamental shape of community transportation systems and buildings, in helping individuals make informed choices about their energy use, and in shaping policy at the county and statewide level.

Talent, Oregon (The City), is one of those communities wanting to make a difference. At the request of the Mayor of Talent, a group of residents assembled to create a Clean Energy Action Plan, with the expectation that this Action Plan will be incorporated into The City's Master Plan. Following a kick-off event over a year ago, in October 2015, many residents have labored many hours to consult with experts, other cities and towns, and to do the basic research that has resulted in this plan. This plan includes both clearly implementable immediate steps that can take advantage of existing programs and opportunities, as well as other proposals that need substantial research and may or may not be feasible depending on what funding is available.

The **Talent Clean Energy Action Plan 2030** addresses four major areas:

Energy Conservation. In 2015, incorporated and unincorporated Talent consumed 52 GWh (one Gigawatt is equivalent to 1×10^6 Kilowatts). The plan proposes that The City reduce its energy consumption by 30% by the year 2020. Since most of this energy use comes from the residential sector—a full 75%—the first year's emphasis will be on engaging residents and landlords through programs to install LED bulbs, upgrade older home insulation, install ductless HVAC systems, and implement simple energy conservation measures. Thus, education and disseminating information are a major component in the first year.

Renewable Energy Generation. The plan recommends replacing 100% of fossil fuel power with clean, renewable energy by the year 2030. The primary source is expected to come either from installing

solar panels on residential, business, and public roofs, or as part of larger, utility- or community-scale installations. Capital expenditures for this project will be significant (\$50 to \$100 million), so the long-term plan—the 2030 Plan—identifies potential funding sources and strategies to reduce this cost. The plan also proposes taking advantage of existing clean energy sources like Blue Sky (Pacific Power) and Arcadia (wind energy) to expedite a transition to clean, renewable energy while transitioning to solar energy.

Resilience. As the cost of fossil fuel energy continues to rise—both in dollars and in damage done to the environment—it is critical that Talent break away from using it in the future. As capacity, grid, and other anticipated issues arise, it is also important that Talent create an energy infrastructure that makes it less dependent on the current electric grid network for its electrical power. The actions in the 2030 Plan are consistent with reducing Talent’s dependence on “dirty” and long-distance energy transmission.

Local Economy. Currently, the Talent area sends away almost \$6 million each year, mainly to Pacific Power’s parent company in New York. One action plan goal is to find ways to keep those dollars in the local economy. This is achieved by:

- Ensuring that the jobs created by conservation and renewable energy projects are filled by local companies and workers when possible.
- Considering the creation of a Talent Utility District so that permanent jobs, revenues from selling energy to the Talent community, and the increase in discretionary income generated by lower energy costs in the future remain in Talent and stimulate the local economy.

What is being submitting here is a short form of that 2030 Plan, covering what can be accomplished in one year. (The full plan is available on request.)

Introduction to Year One Plan

Although the 2030 Plan describes the approaches for achieving the 2020 and 2030 goals, it also points out specific activities to be conducted in Year One. These year-one activities will not only serve to slowly ease the Talent community into a new era of energy generation and use but it will also allow us to increase our knowledge of the complex requirements of the longer term goals. Guided by a Talent Clean Energy Action Plan, the City of Talent will carry out policies and programs to help conserve energy, transition to clean, renewable energy, and ultimately generate its own sources of energy. The task of achieving this vision is both a challenge and an exciting opportunity.

Thus, the **Talent Clean Energy Plan Year One** is being presenting for the approval of City Council. This plan includes both clearly implementable immediate steps that can take advantage of existing

programs and opportunities, as well as other proposals that need substantial research and may or may not be feasible, depending on what funding is available. It contains specific actions to be taken in 2017 to achieve the following goals:

- Reduce overall energy use in Talent by 5%;
- Document the current state of renewable energy generation in Talent and identify options for expansion;
- Initiate actions for interim renewable energy use and generation.

Overall Vision for Clean Energy in Talent

Vision

Talent becomes a leader in Oregon by transitioning to 100% clean renewable energy. As a community, we want to reduce the inefficient use of resources and reduce energy costs, create sustainable businesses and jobs that strengthen Talent's local economy, and prepare for the impacts of climate change while preserving our rural way of life.

GOAL: Conservation

- **Reduce energy consumption by 30% by 2020 from 2015 levels**

GOAL: Renewable Energy

- **Achieve 100% clean renewable energy source for Talent by 2030 while keeping prices affordable and preserving our rural quality of life**

GOAL: Resilience

- **Protect against increasing costs of energy by transitioning from fossil fuels to reliable renewable sources**

GOAL: Local Economy

- **Strengthen Talent's local economy by keeping dollars spent and dollars saved on energy in the community**

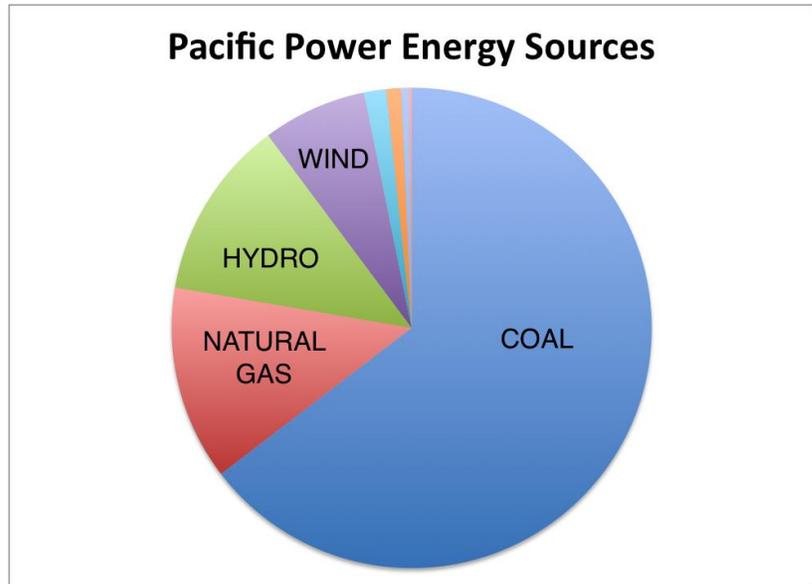
Talent Energy Profile

Where does Talent's energy come from?

The community of Talent receives its energy from the investor owned utility Pacific Power (68.38%) and the natural gas provider Avista (31.27%). (Comparison made using kBTUs.)

Focusing in on electrical energy

Pacific Power's electrical energy mix is generated from 64.6% coal, 13.1% gas, 12.1% hydro, 7.1% wind, and the remaining 3.2% comes from a mix of other sources. Coal and gas are two of the largest contributors to climate change in Oregon and also have multiple negative health and environmental impacts to communities that live close to extraction. *Source: Pacific Power & Avista, 2010-2012. Oregon DOE.*

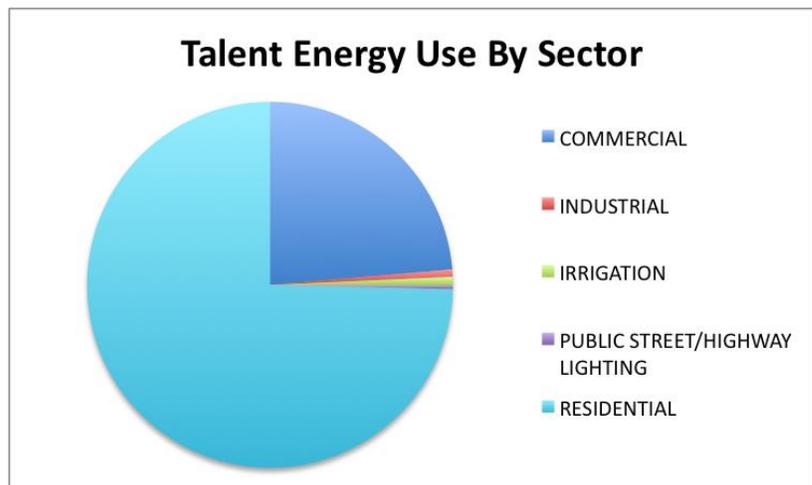


In 2015, the incorporated and unincorporated areas of Talent used 52 GWh of electrical energy, costing over **\$5.7 million**. At this point, information regarding how much money was spent on natural gas, solar or other renewable energy installations is not available.

Where does our electrical energy go?

In 2015, Pacific Power listed 3,959 accounts for the Greater Talent area. Of these, 3,628 (92%) were residences, 282 (7%) were businesses and the rest (1%) were listed under industrial, irrigation and public street lighting.

Most of the electrical energy purchased by Talent was consumed by residences (75%) and by commercial use (24%). Industrial, irrigation, and public street lighting accounted for only 1% of the total energy use. The data thus suggest that the plan should target residential use, prioritizing older homes, manufactured homes and low-income residences to achieve the 5% energy conservation goal for 2017.



Actions for Year One: ENERGY CONSERVATION

Year One Goal: To reduce energy use by 5%

Talent Community and City of Talent				
Action	Baseline	Goal	KWh Saved	Cost
Support programs and policies to retrofit and save energy in residential buildings.				
Maximize participation in Access programs and Energy Trust of Oregon (ETO) free duct sealing program for manufactured homes by organizing educational events within manufactured home communities and connecting them with ETO representatives.	To date, 219 homes have participated in this program.	There are approximately 306 additional homes in Talent that could qualify for this program. 10% of eligible manufactured homes updated in year 1 (30 additional homes).	(There is a request out to ETO for this information)	Cost to City: RARE Participant Free to residents for installation.
Increase uptake in Free Energy Saver kits and Free LED Lights through the direct install program with Energy Trust of Oregon.	Usage of LED lights in Talent is unknown.	Install up to 16 LED lights in 20% of Talent homes (750 homes) through the direct install program, or through receiving the ETO Free Energy Saver Kits in year one.	Up to 39,020 kWh/year saved (0.75%)*	Cost to City: RARE Participant FREE for installation. Energy savings for the community is equal to \$67,260 in energy savings per year.
Educate Talent residents on energy saving actions they can take, including promoting programs offered through Energy Trust of Oregon.	N/A	Target: 5% reduction in energy costs, saving \$274,397+ annually Dedicate 2017 Harvest Fest to 2030 Plan education	Unknown.	Cost to City: RARE Participant Usual Harvest Fest costs
Increase HVAC / ductless heat pump installations in Talent by promoting and recruiting participation in the Energize Rogue Program. See website: www.RogueClimate.org/EnergizeRogue	Unknown.	10 additional HVAC installations in Talent as a result of the Energize Rogue Pilot Program.**	25,300 kWh/year (0.05%)	Cost to City: RARE Participant The average cost to a homeowner of installing an HVAC system is \$4,000.
Make utility data easily accessible for residents and businesses and encourage energy saving challenges.				
Make utility data easier for residential energy users to access by promoting the use of smart meters.	Unknown.	Install 50 smart meters through a pilot program.	Average of 10% energy savings / home*** = 52,104 kWh/year (0.9%)	Cost to residents but not City

City officials and community groups advocate for climate-friendly energy policies at the county and state levels, and at the Public Utilities Commission and other state agencies.

Actively promote energy saving and climate friendly policies like the Healthy Climate Bill and building code upgrades.	N/A	Passage of policies that will support the overall clean energy goals and vision.	Unknown.	The scale of savings and costs will depend on specific policies. Many of the policies that impact the cost of energy, incentives available to retrofits, and building codes are set at the state level. It is vital that state policies align with energy-saving goals.
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City of Talent

Action	Baseline	Cost	KWh Saved	\$ Saved
Set a visionary example of energy conservation and supply in city owned buildings. GOAL: Identify and complete actions to cut energy use by 10% in 2017				
Complete an updated Energy Audit on all city owned buildings.	This number is needed from The City	Staff time.	N/A	Potential savings depend on the results of the audit.
Accelerate transition of streetlights to LED bulbs.	82 streetlights.	Less than \$16,000	This number is needed from The City	Savings = \$65,000 over lifetime of the bulbs.
Collect biannual data for city and community energy use and publicize to the community.	2015 electrical and gas data.	Staff time.	For monitoring purposes only	Staff time
Participate in Strategic Energy Management Program, which teaches staff how to manage energy.****	Total City Energy Usage	Staff time.	Up to 20% savings on City's total energy costs	Up to 20% savings on City's total energy costs
Funding for Year 2 RARE or on-going part-time staff position.	\$12,000	\$22,000	N/A	Staff time

*Note: If ALL the residential lights in Talent are upgraded to LED lights, we will save 3.7% of total energy use in Talent.

**Transitioning from gas heat to electric can have a big impact as we begin to clean up our electrical grid.

***According to NEST, an ETO certified smart thermometer reader.

****<https://energytrust.org/commercial/equipment-upgrades-remodels/strategic-energy-management/#>

Actions for Year One: ENERGY GENERATION

Year One Goals:

1. Document the current state of renewable energy generation in Talent and identify options for expansion
2. Initiate actions for interim renewable energy use and generation.

Talent Community and City of Talent				
Action	Baseline	Goal	Clean Energy Impact	Estimated Cost
Enroll Greater Talent energy users in clean energy utilities or energy providers (e.g., Blue Sky, Arcadia).	17.8%	25%	Reduces carbon footprint; increases awareness; establishes momentum.	Cost to the City: Promotional materials and distribution.
Study the feasibility of developing an independent utility company, implementing “Community Choice Aggregation,” or purchasing renewable energy directly from producers.	Very limited knowledge at this time.	Final report including recommendations made available to the city.	Enable the city to develop one or more paths to achieve renewable energy goals.	Cost to the City: Travel costs for a city representative to attend presentations and visit energy brokers and providers, and cost of the study.
Recruit community or utility-scale renewable energy projects to the area, like a solar cooperative, micro-hydro project, or biogas digester.	There are no projects currently in development at this time. A biogas and a micro-hydro study has been completed for the Rogue Valley.	Achieve a partnership, contract, or other commitment with a clean energy provider.	Reduce carbon footprint; increase awareness, establish momentum.	Cost to the City: TBD The cost will be determined by the scope and feasibility of the project.
Complete the list of all financing programs available to residents for solar installation and communicate/share with the community.	N/A	By the end of the year, the Talent community is aware of all financial options available to them for solar installations.	Potentially increase the number of solar projects in our community.	Cost to the City: Research, promotional materials and distribution.
Contract, run and/or provide seed money for making solar installations available at little to no cost to qualified residents using the “Seeds for the Sol” model (see Web site www.seedsforthesol.org/).	N/A	The first round of solar projects is completed in 2017.	Potential increase in the number of solar projects for Talent, prioritizing low income residents.	City provides revolving loan of up to \$40,000 for “Seeds for the Sol” solar program

City of Talent

Action	Baseline	Goal	Clean Energy Impact	Estimated Cost
Inventory current clean energy generation in Talent and surrounding areas. Assess opportunities for clean energy generation in Talent.	There are believed to be 53 total solar projects in Talent as of August 2016.	Confirm current state of clean energy generation and establish a system to maintain visibility of capacity added.	Track progress to enable focus of effort to most promising methods.	Cost to establish new tracking program or modify existing building inventory program. Cost to add this responsibility to city staff, perhaps an intern.
Set short-term goals and targets for clean energy installation on city buildings. Develop emergency preparedness goals for key buildings.	N/A	Set targets for installing reliable, renewable energy solutions for key city operations and facilities.	Little impact on energy profile, but potentially critical impact on city services in the event of a prolonged power outage (e.g., earthquake).	TBD
Identify additional opportunities to streamline permitting processes for clean energy installation.	Solar permitting can be done on-line.	Incentivize green energy projects through expedited permitting process.	Expedite the adoption of clean energy in Talent.	Cost to adopt processes to prioritize permit requests associated with buildings that include clean energy features.
Develop community standards for renewable energy projects that ensure clean energy developed in Talent is equitable, environmentally sound, and creates living wage jobs.	No standards are currently defined regarding clean energy development.	Establish standards that encourage the equitable, local development of clean energy by the city, businesses, and residents.	Expedite the adoption of clean energy development consistent with triple-bottom line values and smart long term planning.	Staff time

Recommended actions for City Council:

1. Once approved by City Council, incorporate the proposed Year One Clean Energy Action Plan into city operations.
2. Direct city staff to implement Year One Plan.
3. Incorporate the Clean Energy Action Plan 2030 into the City's Master Plan.
4. Work with community groups to assist in implementing the plans.
5. Every six months, evaluate progress in implementing the plan and initiate action to prevent or correct shortfalls against achieving goals.
6. Communicate regularly with citizens regarding clean energy efforts (The Flash, website, or other visuals).
7. Advocate at the county and state level for policies that support an upgrade in building codes, resources for energy conservation efforts, rapid transition to clean energy, and the like.

What the community will undertake:

1. Maintain a robust team of residents active in implementing appropriate portions of the plan through volunteer service.
2. Coordinate with the City regarding communications and outreach in the community.
3. Work in partnership with the city to advance the goals of the plan.

4. Advocate at the county and state level for policies that support an upgrade in building codes, resources for energy conservation and generation efforts, and the like.

The Talent Clean Energy Plan Team:

Sharon Anderson

Emily Berlant

Susan Bizeau

Cynthia Care

Christina Collins

Erika Giesen

Taylor Haag

Rianna Koppel

Lee Lull

Patrick McLain

Charles Roome

Diana Roome

Janice Rosenberg

Allie Rosenbluth

Ray Sanchez-Pescador

Mark Smith-Poelz

Hannah Sohl

Diane Ware

Jeff Wilcox

Joseph Wismann

MINUTES
TOGETHER FOR TALENT COMMITTEE MEETING
November 1, 2016
City Hall

Called to order at 3:00 pm, adjourned at 5:00 pm.

Present: Dorian Hastings, Jim Thompson, Rianna Koppel, Charles Roome, Dolly Warden, Sharon Anderson, members; Christina Collins, City Council Liaison. Guests: Ray Sanchez-Pescador, Hannah Sohl, Joe Wismann.

Minutes: September and October minutes approved.

Agenda Timeline and Printing:

Dorian Hastings informed T4T that Melissa Huhtala, City Recorder, needs to receive the agenda 48 hours before our monthly meeting. Committee members agreed to send agenda items to the Chair or Secretary by Wednesday, a week before the Tuesday meeting. T4T was informed that printing documents at City Hall in color or B&W will cost 5 cents a page, with the exception of T4T minutes and agenda. T4T will need to allocate printing needs into the budget and only print as many copies as needed for members. Currently only 7 copies will be needed for six T4T members and one council liaison.

Clean Energy Plan:

Dorian informed T4T that the Talent Clean Action Energy Plan (CEP), Year One 2017 has been edited and updated from our previous meeting. Once the proposed ordinance for T4T is approved, the CEP can be presented at the City Council meeting on November 16. If the ordinance is not passed on November 2, Rogue Climate Talent can present the CEP to council as citizens. The Year One Plan can take effect with non-fiscal actionable items, such as the use of the RARE intern, at the beginning of the calendar year (January 2017), with fiscal actionable items beginning at the end of June 2017 alongside the fiscal year. FTE city staff positions cannot be funded until July for the CEP. Council could direct staff in fiscal items through goal setting, but they would not take effect until July. There will be a statement in the summary about the action items in the CEP that can begin with the calendar year and the ones that can begin with the fiscal year.

Ray Sanchez-Pescador recommended having a cover letter accompanying the Year One CEP. Hannah Sohl will write a cover letter and send it to Dorian by November 8. The latest date for submitting the CEP with a cover letter for the packet for City Council is November 11. T4T motioned and approved changing the requested cost of the Energy Generation action item “Contract, run and/or provide seed money for making solar installations available at little to no cost to qualified residents using the “Seeds for the Sol” model” to a \$20,000-\$40,000 loan from the City to Seeds for the Sol. Dorian will update the Year One CEP document, and Ray will update the 2030 CEP document to reflect the changes.

Bullet points for the Cover Letter will include:

- Goals of the 2030 Clean Energy Plan
- Explanation of City Operations versus Community Operations
- Distinction between action items without a fiscal impact that can begin in January 2017 (RARE intern) and action items for the fiscal year beginning in July 2017
- Accomplishments from citizens as listed below (include number of hours and number of volunteers)
 - a. Formed a sustainability committee that will be a recommending body to The City.
 - b. Identified major stakeholders: consumers such as residents, landlords, businesses; and those whose expertise can inform the plan, such as Energy Trust of Oregon, Seeds for the Sol, Rogue Community College, and the state department of labor.
 - c. Created a 15-year Clean Energy Action Plan to significantly reduce Talent’s public and private consumption of carbon-releasing energy sources and overall energy footprint and an action plan for the first year
 - d. Engaged a RARE AmeriCorps worker to assist in carrying out actions.

T4T motioned to approve the Talent Clean Energy Action Plan as amended, with a cover letter addressing these bullet points. Motion passed unanimously.

Weed Team update

Charles Roome reported the Weed Team has met and is planning an upcoming meeting to identify areas that it will manage. Charles will represent the Weed Team at the next Parks and Recreation commission meeting.

Update on T4T ordinance:

The ordinance is on the agenda for tomorrow's City Council meeting on November 2. T4T has vetted and agreed on points that will be presented as our recommended edits to the ordinance. Dorian and Charles will present before council.

IPM Update:

Jim Thompson presented copies of the latest IPM for T4T to edit with a deadline of the next T4T meeting. The IPM will be presented before City Council on December 21. The IPM will be vetted at the next T4T meeting on December 6. When the IPM is approved through T4T, it will be directed to the Parks and Recreation Commission for support, not vetting. Councilor Collins suggested bringing a pre-drafted letter of support to the Parks Commission for them to sign, which T4T can bring to the city council presentation on December 21.

Reports:

- Council report from Councilor Collins

Councilor Collins suggested the idea of Bee City, Weed Team, and Friends of Trees operating underneath the Parks and Recreation Commission in the future since these groups often work directly with areas under Parks land. Charles suggested reviewing these options after the T4T ordinance is passed. Christina reported that the city was awarded the Blue Sky grant, which will incorporate \$59,000 to put solar panels on the new Community Center.

- Zero Waste Team

Sharon Anderson reported that the team is hosting monthly meetings. The next meeting will be on Thursday, Nov 17, at 2:30 pm at the Downtowne Coffee Shop. Rianna Koppel will send calendar updates to the City Recorder.

- Friends of Trees

No news. Christina has trees to donate to the nursery and will coordinate with Sharon.

- Emergency Preparedness

Charles reported that the Mayor will discuss arranging a meeting with the police chief, fire chief, sheriff, and city manager to meet with the CERT team and Map Your Neighborhood at the City Council meeting on November 2.

- Bee City USA

Dolly Warden reported that rack cards have been presented for display at city hall and are waiting approval from City Manager Tom Corrigan. Dolly will ask City Council about the milkweed ordinance at the November 2 council meeting. Kimberley Brown has agreed to help with the Joseph Park pollinator garden designs. The BCU team met with Councilor Collins on October 27 to discuss ways to accomplish BCU's goals and uphold our resolution with the city staff. The next meeting will be November 8 at 4 pm at Jim Thompson's house.

Announcements:

The next Rogue Climate Talent meeting will be Thursday, November 10 at 6 pm at the Talent Community Center. The documentary *Before the Flood* will be screened.

The Talent Garden Club will be attending the Master Gardeners Winter Dreams/Summer Gardens Symposium from 9:00 am to 4:00 pm at the Higher Education Center in Medford.

Our next meeting will be Tuesday, December 6th, at 3 pm at City Hall.

Submitted by Rianna Koppel, Secretary

_____, Dorian Hastings, Chair