

**LEBANON CITY COUNCIL**  
**MINUTES**  
**July 13, 2016**

**Council Present:** Mayor Paul Aziz and Councilors Jason Bolen, Bob Elliott, Robert Furlow and Wayne Rieskamp

**Staff Present:** Counsel Jessica Meyer, City Clerk Linda Kaser, Police Chief Frank Stevenson, Engineering Services Director Ron Whitlatch and Finance Director Dean Baugh

**CALL TO ORDER:** Mayor Aziz called the Regular Session of the Lebanon City Council to order at 6:05 p.m. in the Santiam Travel Station Board Room.

**ROLL CALL:** Roll call was taken with Councilors Floyd Fisher and Rebecca Grizzle absent.

**APPROVAL OF CITY COUNCIL MINUTES**

***Councilor Elliott moved, Councilor Bolen seconded, to approve the June 8, 2016 Regular Session Minutes as presented. The motion passed unanimously.***

**CONSENT CALENDAR**

***AGENDA:*** City of Lebanon Council Agenda – July 13, 2016  
***APPOINTMENTS:*** Planning Commission – Brian Daniels & Dave McLain (reappointments), Brenda Hall (previous alternate) and Jeanne Callahan (alternate)  
***BOARD MINUTES:*** Senior & Disabled Services Advisory Committee – Henry Chambers  
Bike & Pedestrian Advisory Board – January 26, February 25 and March 24, 2016  
Library Advisory Board – May 17, 2016  
Planning Commission – May 18, 2016  
Senior & Disabled Services Advisory Committee – January 27, 2016

***Councilor Bolen moved, Councilor Elliott seconded, to approve the Consent Calendar as amended [Parks Committee/Tree Board Appointments were postponed]. The motion passed unanimously.***

**PROCLAMATIONS / RECOGNITIONS**

Mayor Aziz read the following Proclamations:

- Acknowledging the **Americans with Disabilities Act (ADA)** and reaffirming to work toward full compliance.
- Declaring August 2, 2016 as "**National Night Out**" in the City of Lebanon.

Mayor Aziz presented the 1<sup>st</sup> Place Award to Emily Salinas (Green Acres School) and the 2<sup>nd</sup> Place Award to Gwen Bjerklund (Pioneer School) for the 2016 "If I Were Mayor" Contest.

## PUBLIC COMMENTS

Wyatt King, P O Box 157, Lebanon, distributed an article ("Oregon on Track to Collect \$43 Million in Pot Taxes This Year") and a copy of his concerns about the wording of the marijuana referral ballot measure (Agenda Item 3) because he wants to make sure that Lebanon residents are given information to make the right decision. The tax implications are hardly mentioned and should, at the very least, be included. There is much more money than anyone ever anticipated, but even a conservative number would give citizens some information to help make their decision. It also does not include projected local sales tax revenue. He realizes that it is hard to come up with these figures but his rough estimate is \$16,000, which may not be much but it would help the City's budget. He suggests finding three similar communities to get a per capita average so that people can get an idea of the revenue.

The ballot measure should further include the information that Lebanon did approve recreational marijuana, even if it was by a slight margin, because it is important to know that this is kind of a second vote. It should also be made clear, beyond a doubt, what a vote means. It would be helpful to write, for example, "Yes equals no recreational (banning it)" or "No means yes recreational (supporting it)" so that there is no confusion.

## REGULAR SESSION

### **1) Water Treatment Plant Project Bid Alternative Proposal**

Engineering Services Director Whitlatch cited staff's reasons and requested Council approval of a motion authorizing staff to pursue a Construction Management/General Contractor (CM/GC) contract for the new Water Treatment Plant Project. He briefly reviewed the proposed timeline for this contract.

In response to a question from Councilor Rieskamp, Whitlatch stated that there would be no geographic restrictions for the contractor. It will likely be advertised in the Daily Journal of Commerce and various newspapers.

Councilor Furlow said that a strength of using a CM/GC is knowing (during the process) the costs so it eliminates the surprise factor. It also allows us to look at other revenue opportunities concurrently, which would save time.

Councilor Rieskamp stated that he is excited about this process because his experience is that using a CM/GC is like a team walking in the same direction.

Councilor Bolen commented that, as a Councilor, he understands how the City got here. He appreciates the amount of work staff has done and the amount of stress they have been under. But he also feels an obligation to say that this is not going to sit well with the public. Staff and the Mayor/Council will likely take a beating, even though staff is doing the best they can with the circumstances. Nothing can be done now, except be honest and transparent about why it happened and how the City will try to recover from this. He does not know if anything could have been done to avoid this; he asked how the City can avoid making the same mistake twice.

Whitlatch stated that, looking back, he does not believe he would have done anything different. He agreed that this must be handled gracefully and openly, which was the reason for tonight's work session – to share with the Council and the public how it happened and how the City plans to move forward. Constituents will know that this is an unfortunate situation but how the City comes out of this gracefully will say a lot.

The Council expressed their thanks to staff for their hard work.

***Councilor Furlow moved, Councilor Rieskamp seconded, to AUTHORIZE CITY STAFF TO PURSUE A CONSTRUCTION MANAGEMENT/GENERAL CONTRACTOR (CM/GC) CONTRACT FOR THE NEW WATER TREATMENT PLANT PROJECT. The motion passed unanimously.***

## 2) Amendment to Park Exclusion Ordinance

City Counsel Meyer confirmed that the change in Section A adds the Chief of Police as designee.

Meyer read the title of ORDINANCE BILL NO. 2016-13, ORDINANCE NO. 2882. *Councilor Furlow moved, Councilor Bolen seconded, to APPROVE ORDINANCE BILL NO. 2016-13, ORDINANCE NO. 2882, A BILL FOR AN ORDINANCE AMENDING SECTION 12.14.040 OF THE LEBANON MUNICIPAL CODE REGARDING EXCLUSION FROM CITY PARKS FOR VIOLATION OF THE LEBANON MUNICIPAL CODE AND DECLARING AN EMERGENCY. The motion passed unanimously.*

## 3) Local Marijuana Tax – Voter Referral

Meyer read the title of RESOLUTION NO. 2016-24. *Councilor Elliott moved, Councilor Bolen seconded, to APPROVE RESOLUTION NO. 2016-24, A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF LEBANON THE QUESTION OF BANNING RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND RECREATIONAL MARIJUANA RETAILERS WITHIN THE CITY OF LEBANON. The motion passed unanimously.*

Meyer read the title of ORDINANCE BILL NO. 2016-14, ORDINANCE NO. 2883. *Councilor Bolen moved, Councilor Elliott seconded, to APPROVE ORDINANCE BILL NO. 2016-14, ORDINANCE NO. 2883, A BILL FOR AN ORDINANCE OF THE CITY OF LEBANON IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER AND REFERRING ORDINANCE. The motion passed unanimously.*

Meyer read the title of RESOLUTION NO. 2016-25. *Councilor Elliott moved, Councilor Rieskamp seconded, to APPROVE RESOLUTION NO. 2016-25, A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF LEBANON THE QUESTION OF IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER WITHIN THE CITY OF LEBANON. The motion passed unanimously.*

## 4) Linn County Lease Agreement

Finance Director Baugh presented a proposed commercial lease agreement with Linn County for their Justice Court. He briefly spoke about the changes to the agreement, as stated in his memo.

Responding to Councilor Furlow's question, Baugh stated that he believes this past year's rent was \$550.

In response to Mayor Aziz's question, Baugh indicated that the lease includes square footage of about 3,500.

*Councilor Rieskamp moved, Councilor Furlow seconded, to APPROVE THE PROPOSED COMMERCIAL LEASE AGREEMENT WITH LINN COUNTY FOR THE LEBANON JUSTICE COURT. The motion passed unanimously.*

## 5) Amending Resolution No. 2016-16 – Levying Taxes for the City of Lebanon's FY 2016/17 Budget

Baugh presented a resolution, which amends Resolution No. 2016-16 to reflect delinquent sewer (\$56,805.53) and storm drain (\$4,252.82) assessments.

Baugh confirmed for Councilor Furlow that there are liens in place for these amounts.

Meyer read the title of RESOLUTION NO. 2016-26. **Councilor Elliott moved, Councilor Bolen seconded, to APPROVE RESOLUTION NO. 2016-26, A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 16 (2016 – LEVYING TAXES FY 2016-17) TO INCLUDE DELINQUENT SEWER AND STORM DRAIN ASSESSMENTS. The motion passed unanimously.**

## 6) League of Oregon Cities Legislative Priority Survey

Mayor Aziz and members of Council gave their top legislative priorities for the City Clerk to submit to the League of Oregon Cities:

Mayor Aziz – Local Lodging Tax (J), Restore Recreational Immunity (M), Continue Marijuana Legalization Implementation (O), and PERS Reform (S).

Councilors Elliott, Furlow and Rieskamp – Local Lodging Tax (J); Restore Recreational Immunity (M); PERS Reform (S); and Comprehensive, Multi-modal Transportation Funding and Policy Package (Z).

Councilor Bolen – Property Tax Reform – Fairness and Equity (I), Local Lodging Tax (J), Marijuana and Vaping Taxes (L), and Continue Marijuana Legalization Implementation (O).

***There was general consensus that the CITY CLERK SUBMIT TO THE LEAGUE OF OREGON CITIES THE FOLLOWING PRIORITIES: LOCAL LODGING TAX (J); RESTORE RECREATIONAL IMMUNITY (M); PERS REFORM (S); AND COMPREHENSIVE, MULTI-MODAL TRANSPORTATION FUNDING AND POLICY PACKAGE (Z).***

Regarding the Local Lodging Tax item, Councilor Rieskamp asked if the City is falling in line with what other communities are doing. Mayor Aziz said that Lebanon is in line by using funds for tourism but the LOC is discussing broadening uses. Councilor Furlow commented that he supported this because it gives the City flexibility with where we are going with the strategic planning.

## 7) City Manager's Report

### ITEMS FROM COUNCIL

Mayor Aziz shared that he will be attending the Oregon Mayor's Association conference in Lincoln City next week. He is looking forward to hearing ideas to help make the conference in Lebanon next year even better.

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There was a brief discussion about Lebanon being blessed with another pizza parlor and another coffee/donut shop.

### PUBLIC COMMENTS

Ronald Hartung, Lebanon, stated that he has been speaking to Code Enforcement Officer Buchheit for about four years and nothing is being done about the bad condition of the sidewalks on the west side of Main Street [from about the Y intersection at Hwy. 20 and Elmore to the Shari's parking lot]. He is wheelchair bound and would like to handle the sidewalk by himself. Many people who use power scooters have also been complaining.

Mayor Aziz stated that Officer Buchheit would not handle this, but rather he takes care of Code Enforcement. He has made clear to City Manager Marks his desire that, through the Vision process, downtown and Main Street be wheelchair accessible.

ITEMS FROM PRESS – *There were none.*

NEXT SCHEDULED COUNCIL MEETING(S)

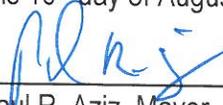
- August 10, 2016 (6 p.m.) Regular Session
- September 14, 2016 (6 p.m.) Regular Session

ADJOURNMENT

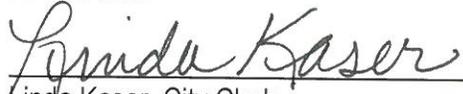
*Mayor Aziz adjourned the meeting at 6:55 p.m.*

*[Minutes prepared by Linda Kaser & Donna Trippett]*

Minutes Approved by the Lebanon City Council on  
this 10<sup>th</sup> day of August 2016.

  
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Paul R. Aziz, Mayor  
Bob Elliott, Council President

ATTESTED:

  
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Linda Kaser, City Clerk